

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

JOSEPH L. DIEBOLD, JR. on behalf of the ) CIVIL ACTION NO. 09-CV-1934  
EXXONMOBIL SAVINGS PLAN, and )  
PAUL J. HUNDT, on behalf of the TEXAS )  
INSTRUMENTS 401(K) SAVINGS PLAN, )  
and all others similarly situated, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
NORTHERN TRUST INVESTMENTS, )  
N.A. and THE NORTHERN TRUST )  
COMPANY, )  
 )  
Defendants. )  
 )

**DECLARATION OF TODD S. COLLINS IN SUPPORT OF  
CO-LEAD COUNSEL’S MOTION FOR AN AWARD OF ATTORNEY’S FEES,  
REIMBURSEMENT OF LITIGATION EXPENSES AND PAYMENT OF  
INCENTIVE AWARDS TO THE REPRESENTATIVE PLAINTIFFS**

I, Todd S. Collins, declare as follows:

1. I am a managing shareholder in the law firm of Berger & Montague, P.C., (“Berger”), which serves as one of the Co-Lead Class Counsel for the certified class of ERISA plans in this case.

2. I submit this declaration in support of Class Counsel's application for an award of attorney's fees for services rendered in the above-captioned action, as well as for reimbursement of litigation expenses incurred in connection with the action, and payment of incentive awards to the named Plaintiffs and Class representatives, Joseph Diebold and Paul J. Hundt.

3. As Co-Lead Class Counsel, I have been responsible, along with my fellow Co-

Leads, for directing the initiation and prosecution of the litigation of this ERISA class action and the negotiation of the Settlement with Defendants. In addition to Berger, the Court appointed Bailey & Glasser, LLP, and Peiffer Rosca Wolf Abdullah Carr & Kane as Co-Lead Counsel for the Class. Other firms representing the Class include: Keller Rohrback LLP; Schneider Wallace Cottrell Konecky Wotkins, LLP; Susman Godfrey LLP; and Cooper & Scully, P.C. (collectively with Co-Lead Counsel, "Class Counsel"). I have participated in all material aspects of this litigation since its inception. Therefore, I am familiar with the facts set forth below.

4. Plaintiffs are participants in two ERISA retirement plans that invested their retirement savings in Lending Fund investments managed by Defendants that participated in Defendant Northern Trust's Securities Lending program. Plaintiff Diebold filed his Class Action Complaint on March 30, 2009 (Dkt. 1). On December 3, 2009, Plaintiffs filed an Amended Class Action Complaint, which added Plaintiff Hundt as a named Plaintiff. (Dkt. 25-1). On October 1, 2012, Plaintiffs filed a Second Amended Complaint. (Dkt. 116).

5. In the operative Complaint, Plaintiffs alleged that Northern Trust failed to manage the Lending Funds in its Securities Lending program prudently. Specifically, Plaintiffs alleged that Defendants violated their ERISA fiduciary duties by imprudently managing two "Collateral Pools" that held cash collateral received during the securities lending process. Instead of investing the funds in conservative, short-term investments, Northern Trust directed the Collateral Pools to pursue risky and imprudent investments in subprime mortgages and other specialized investment vehicles. These investments lost hundreds of millions of dollars in value, and caused the Class of ERISA plans that participated in the Securities Lending program to suffer massive losses. Plaintiffs also allege that Defendants charged excessive fees and paid themselves unreasonably high compensation.

6. Plaintiffs asserted two main causes of action, that Defendants (i) breached their duties of prudence, loyalty, and exclusive purpose under ERISA Section 404(a), 29 U.S.C. § 1104(a); and (ii) engaged in prohibited transactions involving plan assets under ERISA Section 406, 29 U.S.C. § 1106.

7. Defendants denied any wrongdoing and asserted numerous affirmative defenses, which they pursued aggressively, vigorously challenging Plaintiffs' allegations through motion practice throughout the case.

8. Plaintiffs filed a Motion for Class Certification on February 27, 2012. (Dkt. 124). Briefing continued through December 27, 2012. (Dkts. 152, 168, 185, 189, 195, 229). The class motion was fully briefed when the proposed Settlement was reached.

9. Formal discovery in the case began in December 2010 and continued over the next several years, during which time the parties exchanged discovery requests, engaged in numerous conferences, "meet and confers," and hearings. Defendants produced, and Plaintiffs reviewed, hundreds of thousands of pages of materials. Both named Plaintiffs were deposed by Defendants. Plaintiffs took the depositions of four Northern Trust employees that Defendants produced in response to Plaintiffs' Fed. R. Civ. P. 30(b)(6) Notice. Class Counsel also prepared and submitted expert reports on a variety of topics and took and defended expert depositions in connection with the Motion for Class Certification.

10. The parties began discussing a potential resolution of this action in the spring of 2013. On May 9, 2013, the parties mediated their claims before a former federal judge, during which both sides made extensive presentations regarding the strengths and weaknesses of their cases. Although the parties failed to reach resolution at the mediation, the parties continued to discuss a resolution and, on January 12, 2014, the parties agreed in principle to resolve the

action. Thereafter, the parties spent several months negotiating the detailed terms of the Settlement.

11. On March 17, 2015, the Court preliminarily approved the Settlement and appointed Co-Lead Counsel for the Class and Heffler Claims Group as Settlement Administrator. (Dkt. 260). On May 15, 2015, the Settlement Administrator sent the Class Notice and Summary Notice to Class members in the forms substantially approved by the Court. *See Declaration of Edward J. Sincavage Regarding Dissemination of Settlement Motion to the Class attached to Plaintiffs' Unopposed Motion For An Order Granting Final Approval Of Class Action Settlement And Approving A Plan Of Allocation Of The Settlement Proceeds.* To date, no Class member has requested to be excluded from the Class or Settlement nor has any Class member disputed the amount of the Settlement. *Id.*

12. The Settlement Agreement provides that the Class will receive a cash payment of \$36 million. Notice and administrative costs, tax payments, attorney's fees and expenses and incentive awards will be paid from the \$36 million. The remaining amount (the Net Settlement Fund) will be distributed to members of the Class pursuant to a Plan of Allocation that must be approved by the Court. Class members need not submit a claim form; Settlement funds will be distributed to Class members based on Defendant Northern Trust's records.

13. The Settlement, achieved following substantial discovery, extended motion practice, and hard-fought litigation, represents a recovery of more than 25% of Class members' losses stemming from the riskiest investments in the Collateral Pools.

14. This action addressed the operation of complex financial investment markets, applying developing ERISA breach of fiduciary concepts. Class Counsel invested more than five years preparing, litigating and investigating this case. The complexity and duration of this



litigation supports the requested fee. Class Counsel dedicated enormous effort to this case since 2009, when they filed the action, and also before during pre-Complaint investigation. Due to the complexity of the subject matter, Class Counsel have been required to devote nearly 10,000 hours to this litigation. During that time, Class Counsel:

- conducted an extensive investigation of the Class claims, ERISA violations and injuries suffered by the Class;
- performed detailed analysis of facts and law touching on thorny and cutting edge issues of ERISA breach of fiduciary duty law and investment fee analysis;
- provided discovery responses from Plaintiffs and defended Plaintiffs' depositions;
- reviewed and analyzed hundreds of thousands of pages of documents and data produced by Defendants;
- conducted depositions of several corporate employees of Defendants;
- conducted depositions of experts in the field of securities lending and ERISA law;
- obtained and analyzed investment, pricing and fee data for comparable investment vehicles;
- conducted arduous, arm's length, complex settlement negotiations over many months, which eventually resulted in a \$36 million cash Settlement; and
- developed and drafted the Settlement and Class notice documents and assisted in overseeing the notice and claims process.

Even now, the work on this case has not ended. Co-Lead Counsel continues to expend additional hours -- that are neither part of this request for fees, nor part of the lodestar figure cross-check calculations -- performing work in connection with Settlement approval, including in connection with the final approval hearing and responding to Class member inquiries and technical matters involving the Settlement Fund and Settlement administration.

15. In logging nearly 10,000 hours prosecuting this complex, contingent litigation over the past six years, Class Counsel incurred a lodestar of over \$5 million. These figures do

not include all of that time that has been, and will continue to be, expended in administering the Settlement.


16. Exhibit 1 to this Declaration is a true and correct copy of the timekeeping reports for this matter from each of the seven Class Counsel firms that worked on the case. Each firm totaled the amount of time spent by each of its attorneys and professional support staff employees who, through April 30, 2015, billed time to the case. Each firm also included the current billing rates for each attorney and each employee who worked on the case and multiplied that person's number of hours worked by his or her billing rate. The reports contained at Exhibit 1 were prepared from contemporaneous daily time records regularly prepared and maintained by each of the Class Counsel firms, which are available at the request of the Court. Time expended in preparing this application for fees and reimbursement of expenses was not included in these reports. The hourly rates for the attorneys and professional support staff at the Class Counsel firms included in Exhibit 1 are the same as the regular rates currently charged for their services in non-contingent matters and/or that have been accepted in other mass and class litigation.

17. Class Counsel also incurred out-of-pocket expenses in the amount of \$260,644.65. More than half of the litigation expenses that Class Counsel incurred (\$135,235.03) consisted of fees paid to various financial and economic expert witnesses who were instrumental in helping Plaintiffs to evaluate the case, establish the Class and determine damages. Exhibit 2 to this Declaration is a true and correct copy of the expense reports generated by each Class Counsel firm in connection with the prosecution of this case from its inception through and including April 30, 2015. The expenses incurred in this case are reflected on the books and records of each Class Counsel firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the

expenses incurred.

18. The background, experience, accomplishments and qualifications, including firm resumes of the seven Class Counsel firms are attached as Exhibit 3 hereto.

I declare, under penalty of perjury, that the foregoing facts are true and correct. Executed on June 19, 2015.

  
\_\_\_\_\_  
Todd S. Collins

# **Exhibit**

**1**

**Diebold v. Northern Trust, N.D. Ill. 09-cv-1934**

**Time Report**

**Inception to April 30, 2015**

**Submitted by: Berger & Montague, P.C.**

- |   |                               |                     |              |
|---|-------------------------------|---------------------|--------------|
| [1] Investigations, Factual Research                    | [4] Court Appearances         | Position: P-Partner | LC-Law Clerk |
| [2] Discovery   | [5] Settlement Negotiation    | OC-Of Counsel       |              |
| [3] Pleadings, Briefs, Pretrial Motions, Legal Research | [6] Settlement Administration | A-Associate         | PL-Paralegal |

NAME	POSITION	[1]	[2]	[3]	[4]	[5]	[6]	TOTAL HOURS	CURRENT HOURLY RATE	LODESTAR AT CURRENT HOURLY RATE
Todd Collins	Partner	15.50	102.50	244.20	20.70	203.60	15.60	602.10	900.00	541,890.00
Shannon Carson	Partner	25.20	2.50	19.20	0.00	0.00	0.00	46.90	750.00	35,175.00
Ellen Noteware	Senior Counsel	22.40	779.10	432.80	11.00	23.70	2.20	1,271.20	580.00	737,296.00
Shauna Itri	Partner	0.00	0.00	28.00	0.00	0.00	0.00	28.00	575.00	16,100.00
Elizabeth Fox	Associate	0.00	2.20	0.00	0.00	0.00	0.00	2.20	550.00	1,210.00
Shoshana Savett	Associate	0.00	65.30	12.10	0.00	10.30	0.00	87.70	475.00	41,657.50
Patrick Madden	Associate	0.00	5.00	16.60	0.00	0.00	0.00	21.60	450.00	9,720.00
Anne Ebbesen	Paralegal	0.00	0.50	0.00	0.00	0.00	0.00	0.50	310.00	155.00
Diane Werwinski	Paralegal	0.00	0.00	1.60	0.00	0.00	0.00	1.60	285.00	456.00
Kimberly Walker	Paralegal	15.50	163.70	6.00	0.00	0.00	0.00	185.20	275.00	50,930.00
P. V. Telang	Paralegal	20.00	0.00	0.00	0.00	0.00	0.00	20.00	275.00	5,500.00
William Mecoli	Paralegal	0.00	23.30	0.70	0.00	0.00	0.00	24.00	275.00	6,600.00
Arun Rajendran	Other (IT)	0.00	1.00	0.00	0.00	0.00	0.00	1.00	43.00	43.00
TOTALS		98.60	1145.10	761.20	31.70	237.60	17.80	2,292.00		1,446,732.50

## Bailey &amp; Glasser LLP

Securities Lending  
Northern Trust - ERISA  
Inception through 04/30/2015

## Lawyer

Brandenburg, Erin A.	Lawyer	0.80	295.00	\$236.00
Fladhammer, Kimberly A.	Lawyer	42.20	325.00	\$13,715.00
Goldshaw, Leona Z.	Lawyer	141.70	400.00	\$56,680.00
Kauffman, James L.	Lawyer	4.30	400.00	\$1,720.00
Muench, Patrick O.	Lawyer	1.50	400.00	\$600.00
Siegle, Gabriel F.	Lawyer	60.00	400.00	\$24,000.00
Williams, Natasha H.	Lawyer	15.60	300.00	\$4,680.00

## Other

Clark, Patrick D.	Other	1.50	55.00	\$82.50
Kessinger, Michael E.	Other	5.00	55.00	\$275.00
Kiser, Lisa H.	Other	9.60	125.00	\$1,200.00

## Paralegal

Chapman, Melissa S.	Paralegal	248.10	150.00	\$37,215.00
Hatcher, Marc D.	Paralegal	89.05	137.50	\$12,244.40
Jones, Jean Marie	Paralegal	0.20	170.00	\$34.00
Lynch, Vicky L.	Paralegal	22.50	137.50	\$3,093.75
Monarez, Laya M	Paralegal	25.10	150.00	\$3,765.00
Nieto, Juliana L.	Paralegal	5.40	170.00	\$918.00
Parsons, Karen L.	Paralegal	1.32	150.00	\$198.00
Shepard, Jane D	Paralegal	0.25	165.00	\$41.25
Tanner, Tammie N.	Paralegal	10.50	150.00	\$1,575.00
Wilson, Patricia A.	Paralegal	34.30	150.00	\$5,145.00

## Partner

Barrett, John W.	Partner	1.70	600.00	\$1,020.00
Dow, Lissa H.	Partner	612.40	600.00	\$367,440.00
Glasser, Brian A.	Partner	4.50	600.00	\$2,700.00
Murphy, Michael L.	Partner	18.40	600.00	\$11,040.00
Porter, Gregory Y.	Partner	1,139.80	650.00	\$740,870.00
Roddy, John J.	Partner	0.90	500.00	\$450.00
		<u>2,496.62</u>		<u>\$1,290,937.90</u>

Lawyers	2,043.80	\$1,225,151.00
Other	452.82	\$65,786.90



NAME	POSITION	[1]	[2]	[3]	[4]	[5]	[6]	TOTAL HOURS	CURRENT HOURLY RATE	LODESTAR AT CURRENT HOURLY RATE
R. Brent Cooper	P	68.70	5.40	39.10	0.00	0.00	1.80	115.00	450.00	51,750.00
Wesley G. Johnson	P	1.20	0.00	0.00	0.00	0.00	0.00	1.20	375.00	450.00
Timothy M. Dorch	P	92.50	11.80	36.50	0.00	28.60	2.40	171.80	375.00	64,425.00
Chad G. Shultz	A	0.00	0.00	2.80	0.00	0.00	0.00	2.80	325.00	910.00
Donna B. Borello	PL	0.00	0.00	3.90	0.00	0.00	0.00	3.90	100.00	390.00
Shelley D. Epley	PL	0.00	43.70	0.00	0.00	0.00	0.00	43.70	100.00	4,370.00
Valerie Eckardt	PL	0.00	0.00	0.00	0.00	0.00	0.10	0.10	100.00	10.00
Pam P. Lane	PL	41.30	3.60	1.90	0.00	0.00	0.00	46.80	100.00	4,680.00
Courtney Boothe	LC	0.00	66.90	0.00	0.00	0.00	0.00	66.90	100.00	6,690.00
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**Diebold v. Northern Trust, N.D. Ill. 09-cv-1934****Time Report****Inception to April 30, 2015****Submitted by: Keller Rohrbach LLP**

[1] Investigations, Factual Research  
 [2] Discovery  
 [3] Pleadings, Briefs, Pretrial Motions, Legal Research

[4] Court Appearances  
 [5] Settlement Negotiation  
 [6] Settlement Administration

Position: P-Partner LC-Law Clerk  
 OC-Of Counsel  
 A-Associate PL-Paralegal

NAME	POSITION	[1]	[2]	[3]	[4]	[5]	[6]	TOTAL HOURS	CURRENT HOURLY RATE	LODESTAR AT CURRENT HOURLY RATE
Mavis Bates	PL			0.10				0.10	\$210	21.00
Elise Bigley	PL	17.80		2.70				20.50	\$206	4,223.00
James Bloom	A			23.00				23.00	\$475	10,925.00
Cate Brewer	PL	5.70	2.20	10.40			2.20	20.50	\$215	4,407.50
Jennifer Danner	PL		30.50					30.50	\$215	6,557.50
Jason Dillman	PL	157.70						157.70	\$285	44,944.50
Polly Dines	PL		4.00					4.00	\$150	600.00
Ben Ellis	PL	2.50						2.50	\$175	437.50
Raymond Farrow	P	4.30	102.20	235.90	4.00	5.30	3.30	355.00	\$700	248,500.00
Eric Fierro	A		2.00					2.00	\$475	950.00
Alison Smith Gaffney	A			4.90				4.90	\$395	1,935.50
Laura Gerber	P	194.90	253.80	151.65	0.50	2.70	12.60	616.15	\$675	415,901.25
Gary Gotto	P						0.50	0.50	\$825	412.50
Benjamin Gould	A	3.50	13.90	19.60			0.70	37.70	\$525	19,792.50
Katherine Grant	PL		33.10			4.40		37.50	\$225	8,437.50
Mark Griffin	P	0.40						0.40	\$825	330.00
Amy Hanson	A			0.50				0.50	\$525	262.50
Karin Hecht	PL	1.60						1.60	\$200	320.00
Anne Hertel	PL		30.00					30.00	\$215	6,450.00
Erin Hoffrance	PL	1.10	0.40					1.50	\$220	330.00

Cathy Hopkins	PL			3.95						3.95	\$215	849.25
Anne Kent	PL		8.33							8.33	\$200	1,666.00
Erica Knerr	PL				0.50					0.50	\$215	107.50
Cari Campen Laufenberg	P				30.40					30.40	\$675	20,520.00
Derek Loeser	P		7.70	7.20	66.00		12.40			93.30	\$825	76,972.50
David Maas	PL		39.90		13.80					53.70	\$200	10,740.00
Darla Marshall	PL		0.10	2.00				0.30		2.40	\$215	516.00
Allison Menozzi	PL		6.00							6.00	\$185	1,110.00
Nathan Moe	PL		3.00		29.00					32.00	\$250	8,000.00
Melissa Moore	PL		169.40	37.60						207.00	\$200	41,400.00
Stephanie Morrison	PL		3.00	30.50						33.50	\$245	8,207.50
Alicia Novak	PL		16.00							16.00	\$190	3,040.00
Jennie Patton	PL			78.50						78.50	\$235	18,447.50
Lindsay Pearson	PL		1.00							1.00	\$210	210.00
Melanie Pugh	PL		42.80	175.70	51.40					269.90	\$200	53,980.00
Erin Riley	P			0.50	5.00					5.50	\$700	3,850.00
Robert Roussseau	PL			3.00						3.00	\$240	720.00
Lynn Lincoln Sarko	P		28.20	1.30	0.50		3.00	7.40		40.40	\$895	36,158.00
Brian Schiewe	PL				74.50					74.50	\$205	15,272.50
Milana Shenderovich	PL		2.50		2.30					4.80	\$200	960.00
Kelly Shenefield	PL		0.50							0.50	\$215	107.50
Katie Sifferman	PL		0.34							0.34	\$200	68.00
Karin Swope	P				2.30					2.30	\$675	1,552.50
Michael Thompson	PL			126.50						126.50	\$215	27,197.50
Jennifer Tuato'o	PL		14.00		1.20					15.20	\$285	4,332.00
S. Toti Waiha	PL			252.00						252.00	\$225	56,700.00
RoxAnn Ward	PL		0.30	0.40						0.70	\$210	147.00
Ben Watson	PL				0.50					0.50	\$215	107.50
TOTALS			732.57	1191.25	726.15	4.50	27.80	27.00		2709.27		\$1,168,676.50

**Diebold v. Northern Trust, N.D. Ill. 09-cv-1934**  
**Time Report**  
**Inception to April 30, 2015**  
**Submitted by: Schneider Wallace Cottrell Konecky Wotkyns, LLP**

TIME KEEPER	RATE	TIME	CHARGES
<b>Partners</b>			
Schneider, Todd	\$750	90.1	\$67,575.00
Wotkyns, Garrett (GWW)	\$750	127.5	\$95,625.00
<b>Of Counsel / Associates</b>			
Boyd, Erika (EMB)	\$400	32.3	\$12,920.00
Estremera, Jennifer (JPE)	\$475	64.6	\$30,685.00
Johnson, Mark (MTJ)	\$700	125.1	\$87,570.00
Kim, Jason (JXK)	\$650	49.5	\$32,175.00
McKay, Michael (MCM)	\$650	34.1	\$22,165.00
<b>Law Clerks / Paralegals</b>			
Divya, Malik (DM)	\$200	30.5	\$6,100.00
Greenlee, Charles (CRG)	\$200	18.8	\$3,760.00
Marks, Sam (STM)	\$200	63.2	\$12,640.00
Roaquin, Jill (JXR)	\$175	14.6	\$2,555.00
Williams, Clarence (CDW)	\$200	23.8	\$4,760.00
Grand Total		584	\$378,530

Tuesday, June 16, 2015

Page 1 of 1



# **Exhibit**

**2**

**EXPENSE REPORT****FIRM:** Berger & Montague, P.C.**TIME PERIOD:** INCEPTION TO APRIL 30, 2015

DESCRIPTION	EXPENSE
Assessments Paid to Litigation Fund (For Shared Expenses)	20,000.00
Commercial Copies	0.15
Computerized Research (Westlaw, Lexis, etc.)	1,816.61
Court Reporters/Transcripts	
Expert Services	9,341.20
Facsimile @ \$.50/page	0.00
Filing & Service Fees	50.00
In-House Copies	3,087.95
Long Distance Telephone	745.46
Postage/Express Delivery	308.81
Travel/Meals/Lodging	9,176.62
Miscellaneous (reproduction related fee)	0.00
Consulting Fee	0.00
Miscellaneous (document hosting, OCR, convert to TIFF, CD burns)	207.58
Miscellaneous (publication)	74.89
Miscellaneous (litigation support)	5,000.00
Miscellaneous (advertising)	2,420.00
<b>TOTALS</b>	<b>52,229.27</b>

## Bailey &amp; Glasser LLP

Securities Lending  
 Northern Trust - ERISA  
 Inception through 04/30/2015

Online Research	\$2,036.08
Outside Delivery Services	\$672.18
Travel	\$13,640.41
Meals	\$94.92
Deposition Transcripts	\$3,972.05
Experts/Consultants	\$8,659.78
Other Professionals	\$440.00
Litigation Fund	\$25,000.00
Other Expenses	\$179.23
Mileage	\$44.88
Copying/Printing	\$1,121.15
Postage - Multiplier 1.00	\$11.64
Copying	\$1,601.24
Postage	\$5.28
	\$57,478.84

**EXPENSE REPORT****FIRM: PEIFFER ROSCA WOLF ABDULLAH CARR & KANE, APLC****TIME PERIOD: INCEPTION TO APRIL 30, 2015**

DESCRIPTION	EXPENSE
Assessments Paid to Litigation Fund (For Shared Expenses)	\$25,000.00
Commercial Copies	\$635.98
Computerized Research (Westlaw, Lexis, etc.)	\$916.88
Court Reporters/Transcripts	\$6,599.19
Expert Services	
Facsimile @ \$.50/page	
Filing & Service Fees	\$350.00
In-House Copies	\$1,066.08
Long Distance Telephone	\$710.73
Postage/Express Delivery	\$322.04
Travel/Meals/Lodging	\$9,599.17
Miscellaneous (reproduction related fee)	
Consulting Fee	
<b>TOTALS</b>	<b>\$45,200.07</b>



**EXPENSE REPORT****FIRM:** Cooper & Scully, P.C.**TIME PERIOD:** INCEPTION TO APRIL 30, 2015

DESCRIPTION	EXPENSE
Assessments Paid to Litigation Fund (For Shared Expenses)	\$16,666.65
Commercial Copies	\$0.00
Computerized Research (Westlaw, Lexis, etc.)	\$974.95
Court Reporters/Transcripts	\$12.00
Expert Services	\$0.00
Facsimile @ \$.50/page	\$0.00
Filing & Service Fees	\$50.00
In-House Copies	\$960.20
Long Distance Telephone	\$1.30
Postage/Express Delivery	\$53.43
Travel/Meals/Lodging	\$4,459.41
Miscellaneous (reproduction related fee)	\$120.21
Consulting Fee	\$0.00
<b>TOTALS</b>	<b>\$23,298.15</b>

**EXPENSE REPORT****FIRM:** Keller Rohrbach LLP**TIME PERIOD:** INCEPTION TO APRIL 30, 2015

DESCRIPTION	EXPENSE
Assessments Paid to Litigation Fund (For Shared Expenses)	\$16,666.33
Commercial Copies	\$1,856.75
Computerized Research (Westlaw, Lexis, etc.)	\$10,874.19
Court Reporters/Transcripts	\$14.80
Expert Services	
Facsimile @ \$.50/page	
Filing & Service Fees	\$75.00
In-House Copies	\$10,789.55
Long Distance Telephone	\$1,166.20
Postage/Express Delivery	\$465.53
Travel/Meals/Lodging	\$8,675.75
Miscellaneous (reproduction related fee)	
Consulting Fee	
<b>TOTALS</b>	<b>\$50,584.10</b>

**EXPENSE REPORT****FIRM:** Schneider Wallace Cottrell Konecky Wotkyns, LLP**TIME PERIOD:** INCEPTION TO APRIL 30, 2015

DESCRIPTION	EXPENSE
Assessments Paid to Litigation Fund (For Share	\$25,000.00
Commercial Copies	
Computerized Research (Westlaw, Lexis, etc.)	\$70.79
Court Reporters/Transcripts	
Expert Services	
Facsimile @ \$.50/page	
Filing & Service Fees	\$225.00
In-House Copies	
Long Distance Telephone	
Postage/Express Delivery	\$2,800.17
Travel/Meals/Lodging	\$3,758.26
Miscellaneous (reproduction related fee)	
Consulting Fee	
TOTALS	

**EXPENSE REPORT****FIRM:** Susman Godfrey, LLP**TIME PERIOD:** INCEPTION TO APRIL 30, 2015

DESCRIPTION	EXPENSE
Assessments Paid to Litigation Fund (For Shared Expenses)	
Commercial Copies	
Computerized Research (Westlaw, Lexis, etc.)	
Court Reporters/Transcripts	
Expert Services	
Facsimile @ \$.50/page	
Filing & Service Fees	
In-House Copies	
Long Distance Telephone	
Postage/Express Delivery	
Travel/Meals/Lodging	
Miscellaneous (reproduction related fee)	
Consulting Fee	
<b>TOTALS</b>	

# **Exhibit**

**3**

**Berger & Montague, P.C.**  
ATTORNEYS AT LAW

Dated: June 19, 2015

## **BERGER & MONTAGUE, P.C.**

### THE FIRM:

Berger & Montague has been engaged in the practice of complex and class action litigation from its Center City Philadelphia office for over 40 years. The firm has been recognized by courts throughout the country for its ability and experience in handling major complex litigation, particularly in the fields of securities, antitrust, mass torts, civil and human rights, qui tam and whistleblower cases, employment, and consumer litigation. In numerous precedent-setting cases, the firm has played a principal or lead role. The firm has achieved the highest possible rating by its peers and opponents as reported in *Martindale-Hubbell*. Currently, the firm consists of 52 lawyers; 11 paralegals; and an experienced support staff. Few firms in the United States have our breadth of practice and match our successful track record in such a broad array of complex litigation.

The *National Law Journal* has selected Berger & Montague in nine of the last ten years (2003-05, 2007-12) for its “Hot List” of top plaintiffs’ oriented litigation firms in the United States with a history of high achievement and significant, groundbreaking cases. Normally 15 or fewer firms are chosen for this honor. The *Legal 500*, a guide to worldwide legal services providers, has repeatedly cited Berger & Montague’s antitrust practice as “stand[ing] out by virtue of its first-class trial skills.” For four straight years, Berger & Montague has been selected by *Chambers and Partners’ USA’s America’s Leading Lawyers for Business* as one of Pennsylvania’s top antitrust firms. *Chambers USA* has specifically noted that Berger & Montague “specializes in plaintiffs’ antitrust class actions, and is noted for its exceptional work in pharmaceutical and financial disputes.” In 2009, *Employment Law360*° named Berger & Montague as one of the top employment plaintiffs’ firms in the U.S. selecting only eight law firms in the country for this honor. Also in 2009, The Public Justice Foundation awarded its prestigious Trial Lawyer of the Year Award to the Berger & Montague trial team (led by Merrill G. Davidoff) in the Rocky Flats mass environmental tort class action, for their “long and hard-fought” victory against “formidable corporate and government defendants,” the second time Berger & Montague has won this honor. The jury verdict in that case was vacated on appeal, and proceedings are continuing in the district court.

Berger & Montague was founded in 1970 by the late David Berger to concentrate on the representation of plaintiffs in a series of antitrust class actions. David Berger helped pioneer the use of class actions in antitrust litigation and was instrumental in extending the use of the class action procedure to other litigation areas, including securities, employment discrimination, civil and human rights, and mass torts. The firm’s complement of nationally recognized lawyers has represented both plaintiffs and defendants in these and other areas, and has recovered billions of dollars for its clients. In complex litigation, particularly in areas of class action litigation, Berger & Montague has established new law and forged the path for recovery for victims of fraud and other wrongdoing.

The firm has been involved in a series of notable cases, some of them among the most important in the last 40 years of civil litigation. For example, the firm was one of the principal counsel for plaintiffs in the *Drexel Burnham Lambert/Michael Milken* securities and bankruptcy litigation. Claimants in these cases recovered approximately \$2 billion in the aftermath of the collapse of the junk bond market and the bankruptcy of *Drexel* in the late 1980's. The firm was also among the principal trial counsel in the *Exxon Valdez Oil Spill* litigation in Anchorage, Alaska, a trial resulting in a record jury award of \$5 billion against Exxon, later reduced by the U.S. Supreme Court to \$507.5 million. Berger & Montague was lead counsel in the *School Asbestos Litigation*, in which a national class of secondary and elementary schools recovered in excess of \$300 million to defray the costs of asbestos abatement. The case was the first mass tort property damage class action certified on a national basis. Berger & Montague was also lead/liaison counsel in the *Three Mile Island Litigation* arising out of a serious nuclear incident.

In the area of securities litigation, the firm has represented public institutional investors – such as the retirement funds for the States of Pennsylvania, Connecticut, New Hampshire, New Jersey, Louisiana and Ohio, as well as the City of Philadelphia and numerous individual investors and private institutional investors. The firm was co-lead counsel in the *Melridge Securities Litigation* in the Federal District Court in Oregon, in which a four-month jury trial yielded a verdict in plaintiffs' favor for \$88.2 million and was entered on RICO claims against certain defendants for \$239 million. Berger & Montague has served as lead or co-lead counsel in numerous other major securities class action cases where substantial settlements were achieved on behalf of investors. Examples of prominent settlements are: *Merrill Lynch* (\$475 million), *Rite Aid* (\$334 million), *Waste Management* (\$220 million), *Sunbeam* (\$142 million), *IKON* (\$111 million), *Medaphis* (\$96 million), *Fleming Companies* (\$94 million), *Cigna* (\$93 million), *Xcel Energy* (\$80 million), *Alcatel* (\$75 million) and Sotheby's (\$70 million).

Berger & Montague has served as lead or co-lead counsel in 10 of the 100 largest securities class actions settled in the United States since the advent of the Private Securities Litigation Reform Act of 1995 (PSLRA).

In antitrust litigation, the firm has served as lead, co-lead or co-trial counsel on many of the most significant civil antitrust cases over the last 30 years, including *In re Corrugated Container Antitrust Litigation* (recovery in excess of \$366 million), the *Infant Formula* case (recovery of \$125 million), and the *Brand Name Prescription Drug* price fixing case (settlement of more than \$700 million) and the *State of Connecticut Tobacco Litigation* (settlement of \$3.6 billion), the *Graphite Electrodes Antitrust Litigation* (settlement of more than \$134 million), and the *High-Fructose Corn Syrup Litigation* (\$531 million). The firm has also played a leading role in cases in the pharmaceutical arena, especially in cases involving the delayed entry of generic or other rival drug competition, having achieved over \$1 billion in settlements in such cases over the past decade.

Additionally, in the area of protecting employee retirement savings, the firm has served as lead or co-lead counsel in a variety of cases alleging violations of the Employee Retirement Income Security Act and state trust law, including *In re Lucent Technologies, Inc. ERISA Litigation*



(D.N.J.) (\$69 million recovery for the benefit of plan participants as well as substantial injunctive relief); *In re Nortel Networks Corp. ERISA Litigation* (M.D.Tenn.) (\$21.5 million recovery); *Glass Dimensions, Inc. ex rel. Glass Dimensions, Inc. Profit Sharing Plan & Trust v. State Street Bank & Trust Co.* (D. Mass.) (\$10 million recovery); and *Diebold v. Northern Trust Investments, N.A.* (N.D. Ill.).

### **JUDICIAL PRAISE FOR BERGER & MONTAGUE ATTORNEYS**

Berger & Montague's record of successful prosecution of class actions and other complex litigation has been recognized and commended by judges and arbitrators across the country. Some remarks on the skill, efficiency, and expertise of the firm's attorneys are excerpted below.

From **Judge Timothy C. Batten** of the U.S. District Court for the Northern District of Georgia, in granting final approval of the class settlement:

“[T]he right word for the conduct and performance of the lawyers ... in this case would be exemplary.... It's hard to imagine a class action being litigated more appropriately, forcefully, hard fought.”

Praising the work of Lead Counsel Merrill G. Davidoff, Michael Dell'Angelo and Lane Vines in *In re NetBank, Inc. Securities Litigation*, No. 1:07-cv-2298-TCB (N.D. Ga. Nov. 9, 2011).

From **Judge Jed Rakoff** of the U.S. District Court for the Southern District of New York:

Court stated that lead counsel had made “very full and well-crafted” and “excellent submissions”; that there was a “very fine job done by plaintiffs’ counsel in this case”; and that this was “surely a very good result under all the facts and circumstances.”

Regarding the representation in *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*, Master File No. 07-cv-9633(JSR)(DFE) (S.D.N.Y. July 27, 2009) of Co-Lead Counsel Berger & Montague, led by shareholder Lawrence J. Lederer, who was assisted by a team of additional Berger & Montague attorneys including Arthur Stock, Gary Cantor, Robin Switzenbaum and others.

From **Chief Justice Steele** and **Justices Holland, Berger, Jacobs and Ridgely** of the Delaware Supreme Court sitting *en banc*:

Stating that the case was litigated by “very capable counsel,” Chancellor [Chandler] went on to find that:

“All I can tell you, from someone who has only been doing this for roughly 22 years, is that I have yet to see a more fiercely and intensely litigated case than

this case. Never in 22 years have I seen counsel going at it, hammer and tong, like they have gone at it in this case. And I think that's a testimony -- Mr. Valihura correctly says that's what they are supposed to do. I recognize that; that is their job, and they were doing it professionally."

Regarding the work of Lawrence Deutsch and Robin Switzenbaum in *In re Matter of The Philadelphia Stock Exchange, Inc.*, 945 A.2d 1123, 1143-44 (Del. 2008).

From **Chancellor William Chandler, III** of the Court of Chancery of Delaware when awarding counsel's fee observed:

"Counsel, again, I want to thank you for your extraordinary efforts in obtaining this result for the class."

Concerning Lawrence Deutsch and Robin Switzenbaum at the Plan of Allocation Approval Hearing in *Ginsburg v. Philadelphia Stock Exchange, Inc.*, C.A. No. 2202 (Del. Ch.) on July 2, 2008.

From **Judge Michael M. Baylson** of the U.S. District Court for the Eastern District of Pennsylvania:

"The Court is aware of and attests to the skill and efficiency of class counsel: they have been diligent in every respect, and their briefs and arguments before the Court were of the highest quality. The firm of Berger & Montague took the lead in the Court proceedings; its attorneys were well prepared, articulate and persuasive."

Praising the work of Berger & Montague attorneys including Securities Department Chair Sherrie R. Savett and shareholders Carole A. Broderick and Barbara A. Podell in *In re CIGNA Corp. Sec. Litig.*, Master File No. 2:02-cv-8088 2007 U.S. Dist. LEXIS 51089, at \*17-18 (E.D. Pa. July 13, 2007).

From **Judge David S. Doty** of the U.S. District Court for the District of Minnesota:

"[A] just result without the assistance of a governmental investigation .... Counsel ... conducted themselves in an exemplary manner ... consistently demonstrated considerable skill and cooperation to bring this matter to an amicable conclusion ... [and] moved the case along expeditiously".

Praising the work of counsel in *In re Xcel Energy Sec. Deriv. "ERISA" Litig.*, 364 F. Supp. 2d 980, 992, 995-96 (D. Minn. 2005), where Berger & Montague (led by Ms. Savett) served as Plaintiffs' Co-Lead Counsel.

From **Judge Stewart Dalzell** of the U.S. District Court for the Eastern District of Pennsylvania:

“Thanks to the nimble class counsel, this sum, which once included securities worth \$149.5 million is now all cash. Seizing on an opportunity Rite Aid presented, class counsel first renegotiated what had been stock consideration into Rite Aid Notes and then this year monetized those Notes. Thus, on February 11, 2003, Rite Aid redeemed those Notes from the class, which then received \$145,754,922.00. The class also received \$14,435,104 in interest on the Notes.

\* \* \* \*

“Co-lead counsel ... here were extraordinarily deft and efficient in handling this most complex matter.... [T]hey were at least eighteen months ahead of the United States Department of Justice in ferreting out the conduct that ultimately resulted in the write down of over \$1.6 billion in previously reported Rite Aid earnings. In short, it would be hard to equal the skill class counsel demonstrated here.”

Praising the work of Berger & Montague attorneys including Securities Department Chair Sherrie R. Savett and shareholders Carole Broderick and Robin Switzenbaum in *In re Rite Aid Corp. Securities Litigation*, 269 F. Supp. 2d 603, 605 n.1, 611 (E.D. Pa. 2003).

From **Judge Stewart Dalzell** of the U.S. District Court for the Eastern District of Pennsylvania:

“As to ‘the skill and efficiency of the attorneys involved,’ we can only echo what we said about some of the same lawyers in *U.S. Bioscience*. The results here are outstanding in a litigation that was far ahead of public agencies like the Securities and Exchange Commission and the United States Department of Justice.... At the same time, these attorneys have, through the division of their labors, represented the class most efficiently[.]”

Praising the work of Berger & Montague attorneys in achieving settlements of over \$190 million in *In re Rite Aid Inc. Securities Litigation*, 146 F. Supp. 2d 706, 735 (E.D. Pa. June 8, 2001).

From **Judge Stewart Dalzell** of the U.S. District Court for the Eastern District of Pennsylvania:

“The quality of lawyering on both sides, but I am going to stress now on the plaintiffs’ side, simply has not been exceeded in any case, and we have had some marvelous counsel appear before us and make superb arguments, but they really don’t come any better than Mrs. Savett ..., and the arguments we had on the motion to dismiss [Mrs. Savett argued the motion], both sides were fabulous, but plaintiffs’ counsel were as good as they come.”

Commenting on the settlement of a securities case litigated by Sherrie R. Savett and others, *In re U.S. Bioscience Securities Litigation*, No. 92-cv-0678, hearing held April 4, 1994 (E.D. Pa. 1994).

From **Judge Clarence C. Newcomer** of the U.S. District Court for the Eastern District of Pennsylvania:

“[C]ounsel has conducted this litigation with skill, professionalism and extraordinary efficiency.”

Praising the work of Sherrie R. Savett, Securities Department Chair, and Arthur Stock in *In re Unisys Corporation Securities Litigation*, No. 99-cv-5333, 2001 U.S. Dist. LEXIS 20160, at \*10 (E.D. Pa. Dec. 6, 2001).

From **Judge Marvin Katz** of the U.S. District Court for the Eastern District of Pennsylvania:

“[T]he co-lead attorneys have extensive experience in large class actions, experience that has enabled this case to proceed efficiently and professionally even under short deadlines and the pressure of handling thousands of documents in a large multi-district action.... These counsel have also acted vigorously in their clients’ interests[.]

\* \* \* \*

The management of the case was also of extremely high quality.... [C]lass counsel is of high caliber and has extensive experience in similar class action litigation.... The submissions were of consistently high quality, and class counsel has been notably diligent in preparing filings in a timely manner even when under tight deadlines.

\* \* \* \*

Class counsel did a remarkable job in representing the class interests.”

Commenting on the work of Berger & Montague attorneys Todd S. Collins and others on the partial settlement for \$111 million approved in *In re IKON Office Solutions Securities Litigation*, 194 F.R.D. 166, 177, 195, 197 (E.D. Pa. 2000).

From **Judge William H. Pauley, III**, of the U.S. District Court of the Southern District of New York:

“Class Counsel did their work on their own with enormous attention to detail and unflagging devotion to the cause. Many of the issues in this litigation . . . were unique and issues of first impression.”

\* \* \*

“Class Counsel provided extraordinarily high-quality representation. This case raised a number of unique and complex legal issues .... The law firms of Berger & Montague and Coughlin Stoia were indefatigable. They represented the Class with a high degree of professionalism, and vigorously litigated every issue against some of the ablest lawyers in the antitrust defense bar.”

Praising the work of Class Counsel, which included Berger & Montague shareholder Eric L. Cramer, in achieving settlement of \$75 million in *In re Currency Conversion Fee Antitrust Litigation*, 263 F.R.D. 110, 129 (2009).

From **Judge Faith S. Hochberg** of the United States District court for the District of New Jersey:

“[W]e sitting here don’t always get to see such fine lawyering, and it’s really wonderful for me both to have tough issues and smart lawyers ... I want to congratulate all of you for the really hard work you put into this, the way you presented the issues, ... On behalf of the entire federal judiciary I want to thank you for the kind of lawyering we wish everybody would do.”

*In re Remeron Antitrust Litig.*, Civ. No. 02-2007 (Nov. 2, 2005).

From U.S. District **Judge Jan DuBois**, of the U.S. District Court of the Eastern District of Pennsylvania:

“[T]he size of the settlements in absolute terms and expressed as a percentage of total damages evidence a high level of skill by petitioners ... The Court has repeatedly stated that the lawyering in the case at every stage was superb, and does so again.”

*In re Linerboard Antitrust Litig.*, No. MDL 1261, 2004 WL 1221350, at \*5-\*6 (E.D. Pa. 2004).

From **Deputy Treasury Secretary Stuart E. Eizenstat**:

“We must be frank. It was the American lawyers, through the lawsuits they brought in U.S. courts, who placed the long-forgotten wrongs by German companies during the Nazi era on the international agenda. It was their research and their work which highlighted these old injustices and forced us to confront them. Without question, we would not be here without them.... For this dedication and commitment to the victims, we should always be grateful to these lawyers.”

In his remarks at the July 17, 2000, signing ceremony for the international agreements which established the German Foundation to act as a funding vehicle for the payment of claims to Holocaust survivors.

From **Judge Janet C. Hall**, of the U.S. District Court of the District of Connecticut:

Noting the “very significant risk in pursuing this action” given its uniqueness in that “there was no prior investigation to rely on in establishing the facts or a legal basis for the case....[and] no other prior or even now similar case involving parties like these plaintiffs and a party like these defendants.” Further, “the quality of the representation provided to the plaintiffs ... in this case has been consistently excellent.... [T]he defendant[s] ... mounted throughout the course of the five years the case pended, an extremely vigorous defense.... [B]ut for counsel’s outstanding work in this case and substantial effort over five years, no member of the class would have recovered a penny.... [I]t was an extremely complex and substantial class ... case ... [with an] outstanding result.”

Regarding the work of Berger & Montague attorneys Peter R. Kahana among other co-class counsel, in *Spencer, et al. v. The Hartford Financial Services Group, Inc., et al.*, in the Order approving the \$72.5 million final settlement of this action, dated September 21, 2010 (No. 3:05-cv-1681, D. Conn.).

**BERGER & MONTAGUE ATTORNEYS WHO HAVE LEAD THIS LITIGATION**

**Todd S. Collins**

Todd S. Collins is a graduate of the University of Pennsylvania (B.A. 1973) and the University of Pennsylvania Law School (J.D. 1978), where he won the 1978 Henry C. Laughlin Prize for Legal Ethics. He is a member of the Pennsylvania and Delaware Bars. Since joining Berger & Montague in 1982, following litigation and corporate experience in Wilmington, Delaware and Philadelphia, he has concentrated on complex class litigation, including cases on behalf of securities purchasers, shareholders, trust beneficiaries, and retirement plan participants and beneficiaries. Mr. Collins serves on the Berger Firm's Planning Committee.

Mr. Collins has served as lead counsel or co-lead counsel in numerous cases that have achieved significant benefits on behalf of the Class. These cases include: *In re AMF Bowling Securities Litigation* (S.D.N.Y.) (\$20 million recovery, principally against investment banks, where defendants asserted that Class suffered no damages); *In re Aero Systems, Inc. Securities Litigation* (S.D. Fla.) (settlement equal to 90 percent or more of Class members' estimated damages); *Price v. Wilmington Trust Co.* (Del. Ch.) (in litigation against bank trustee for breach of fiduciary duty, settlement equal to 70% of the losses of the Class of trust beneficiaries); *In re Telematics International, Inc. Securities Litigation* (S.D. Fla.) (settlements achieved, after extensive litigation, following 11<sup>th</sup> Circuit reversal of dismissal below); *In re Ex-Cell-O Securities Litigation* (E.D. Mich.); *In re Sequoia Systems, Inc.* (D. Mass.); *In re Sapiens International, Inc. Securities Litigation* (S.D.N.Y.); *In re Datastream Securities Litigation* (D.S.C.); *Copland v. Tolson* (Fischer & Porter Corporate Litigation), (C.P. Bucks County, Pa.) (on eve of trial, in case against corporate principals for breach of fiduciary duty, settlement reached that represented 65% or more of claimants' losses, with settlement funded entirely from individual defendants' personal funds); and *In re IKON Office Solutions, Inc. Securities Litigation* (E.D. Pa.). In *IKON*, where Mr. Collins was co-lead counsel as well as chief spokesman for plaintiffs and the Class before the Court, plaintiffs' counsel created a fund of \$111 million for the benefit of the Class.

In addition, Mr. Collins has served as lead or co-lead counsel in several of the leading cases asserting the ERISA rights of 401(k) plan participants. Mr. Collins has served as co-lead counsel in *In re Lucent Technologies, Inc. ERISA Litigation* (D.N.J.); *In re Nortel Networks Corp. ERISA Litigation* (M.D. Tenn.); *In re SPX Corporation ERISA Litigation* (W.D. N.C.); and *King v. Wal-Mart Stores, Inc.* (D. Nev.). In *Lucent*, Mr. Collins and his team achieved a settlement consisting of \$69 million for the benefit of plan participants as well as substantial injunctive relief with respect to the operation of the 401(k) plans. The firm also has taken lead or co lead counsel roles in litigation on behalf of retirement funds challenging custodians' securities lending practices, including *Glass Dimensions, Inc. ex rel. Glass Dimensions, Inc. Profit Sharing Plan & Trust v. State Street Bank & Trust Co.* (D. Mass.) (\$10 million recovery).



Mr. Collins is at the forefront of litigation designed to achieve meaningful corporate governance reform. Recently, he brought to a successful conclusion two landmark cases in which corporate therapeutics are at the core of the relief obtained. In *Oorbeek v. FPL Group, Inc.* (S.D. Fla.), a corporate derivative action brought on behalf of the shareholders of FPL Group, plaintiffs challenged excessive "change of control" payments made to top executives. In settlement, plaintiffs recovered not only a substantial cash amount, but also a range of improvements in FPL's corporate governance structure intended to promote the independence of the outsider directors.

Similarly, in *Ashworth Securities Litigation* (S.D. Cal.), a Section 10(b) fraud case, in which Mr. Collins was co-lead counsel, plaintiffs again have been successful in recovering millions of dollars and also securing important governance changes. In this case, the changes focused on strengthening the accounting function and improving revenue recognition practices.

In corporate acquisition cases, Mr. Collins has served as co-lead counsel in cases such as *In Re Portec Rail Products, Inc. Shareholders Litig.* (tender offer enjoined), *Silberman v. USANA Health Sciences, Inc. et al.* (D. Utah) (offer enjoined on plaintiffs' motion) and *Kahn v. Saker, et al.* (Sup. Ct. NJ) (consideration to minority shareholders increased by more than 25 percent as a result of settlement).

#### **Shanon J. Carson**

Shanon J. Carson is a Shareholder of the Firm. He is the Chair of the Firm's Employment Law Department and is a member of the Firm's Commercial Litigation, Consumer Protection, Employee Benefits/ERISA, and Lending Practices and Borrowers' Rights Departments. Mr. Carson has achieved the highest peer-review rating, "AV," in Martindale Hubble, and has repeatedly been singled out for honors and awards by numerous publications.

Mr. Carson concentrates his practice on the prosecution of class actions, collective actions and multiple plaintiff litigation on behalf of employees, consumers, borrowers, insureds, and businesses across the country. Mr. Carson regularly serves as lead counsel in class actions and other complex litigation in federal and state courts across the country.

Representative cases include: *Clements v. JPMorgan Chase Bank, N.A.*, No. 3:12-cv-2179 (N.D. Cal.) (as Co-Lead Counsel obtained settlement of \$22,125,000 on behalf of a nationwide class of borrowers); *Citibank Force-Placed Insurance Litigation*, Nos. 5:12-cv-00820, 1:13-cv-353 (N.D.N.Y.) (as Co-Lead Counsel obtained a settlement valued at \$110 million on behalf of nationwide classes of borrowers); *In re: CertainTeed Fiber Cement Siding Litigation*, MDL No. 2270 (E.D. Pa.) (as Co-Lead Counsel obtained a settlement valued at more than \$103 million in this multidistrict products liability litigation) *Employees Committed for Justice v. Eastman Kodak Company*, No. 6:04-cv-06098 (W.D.N.Y.) (as co-lead counsel, obtained a \$21.4 million settlement on behalf of a nationwide class of African American employees alleging racial discrimination); *Salcido v. Cargill Meat Solutions Corp.*, Nos. 1:07-cv-01347-LJO-GSA and 1:08-cv-00605-LJO-GSA (E.D. Cal.) (as co-lead counsel, obtained a \$7.5 million settlement on behalf of thousands of meat-packing employees alleging they were forced to work off-the-clock



and during their meal and rest breaks)

Mr. Carson is active in non-profit and professional organizations and is available for speaking engagements concerning the U.S. civil law system, class actions and collective actions, employment law, consumer law, and other legal issues.

### **Ellen T. Noteware**

Ellen T. Noteware is Senior Counsel to the firm. She is a graduate of Cornell University (B.S. 1989) and the University of Wisconsin-Madison Law School (J.D. cum laude 1993) where she won the Daniel H. Grady Prize for the highest grade point average in her class, served as Managing Editor of the Law Review, and earned Order of the Coif honors. She is currently a member of the Pennsylvania and New York bars.

Since joining Berger & Montague, Ms. Noteware has successfully represented investors, retirement plan participants, employees, consumers and direct purchasers of prescription drug products in a variety of class action cases. Ms. Noteware currently concentrates a portion of her practice on prosecuting antitrust class actions on behalf of direct purchasers of brand name drugs who are harmed when brand companies block cheaper generic competitors from entering the market. To date, five of her cases have resulted in substantial settlements: *In re Ovcon Antitrust Litigation*, (D.D.C.) (\$22 million); *In re Tricor Direct Purchaser Antitrust Litigation*, (D. Del.) (\$250 million); *In re Oxycontin Antitrust Litig.*, (S.D.N.Y.) (\$16 million); *Meijer, Inc. v. Abbott Laboratories*, (N.D. Cal.) (Norvir) (\$52 million); and *In re Metoprolol Succinate Direct Purchaser Antitrust Litigation*, (D. Del.) (\$20 million).

Ms. Noteware is also extensively involved in litigation Employee Retirement Income Securities Act ("ERISA") breach of fiduciary duty class action cases. Her ERISA settlements include: *In re Nortel Networks Corp. ERISA Litigation* (M.D. Tenn.) (\$21 million); *In re Lucent Technologies, Inc. ERISA Litigation* (D.N.J.) (\$69 million); *In re SPX Corporation ERISA Litigation* (W.D. N.C.). Ms. Noteware has also actively litigated ERISA cases against financial institutions who operated improper securities lending programs. She has also served as co-lead counsel in litigation on behalf of retirement funds challenging custodians' securities lending practices, including *Glass Dimensions, Inc. ex rel. Glass Dimensions, Inc. Profit Sharing Plan & Trust v. State Street Bank & Trust Co.* (D. Mass.) (\$10 million recovery).

As a key member of the trial team that litigated *Cook v. Rockwell Corp.* (D. Colo.), Ms Noteware helped secure the largest jury verdict in Colorado history and the third largest jury trial verdict nationwide in 2006 -- \$554 million on behalf of thousands of individuals who owned property near the contaminated former Rocky Flats nuclear weapons facility outside Denver, Colorado. Ms. Noteware and the rest of the trial team received the Trial Lawyer of the Year Award from the Public Justice Foundation in recognition of the efforts.

**Shauna Itri**

Shauna Itri, a shareholder at Berger & Montague, concentrates her practice on complex litigation, representing whistleblowers in qui tam or False Claims Act law suits in state and federal courts throughout the United States. Ms. Itri has worked on a series of False Claims Act cases against large drug companies for fraudulent Medicare and Medicaid drug pricing. This litigation has returned well over \$1 billion to state and federal governments pursuant to the Federal and State False Claims Acts, including a \$150 million settlement with GlaxoSmithKline PLC, and a \$190 million settlement with Aventis Pharmaceuticals, Inc.

In addition to representing whistleblowers, Ms. Itri has also represented shareholders in complex securities class action cases, assisting in litigation that recovered millions of dollars in settlements including: *In re: Adams Golf Securities Litigation*, Civ. Action No. 99-371 (D. Del. 1999) (settled for approximately \$17 million); *In re: American Business Financial Services, Inc. Noteholders Litigation*, No. 05-232 (E.D. Pa.) (settled for approximately \$17 million); and *Mazur v. Concord Camera et al.*, Case No. 04-61159 (S.D. Fla. 2004) (settled for approximately \$2 million).

Ms. Itri received a B.A. and an M.A. from Stanford University in 2000 and 2001. While attending Stanford University, Ms. Itri captained the Stanford University Women's Soccer Team, was on the Scholar Athlete and Honor Roll and served on the Women's Soccer Pacific Ten Conference All-Academic Team.

Ms. Itri earned her Juris Doctor from the Villanova University School of Law where she was Editor-in-Chief of the *Villanova Law School Sports & Entertainment Law Journal* and published an article entitled "*Maurice Claret v. N.F.L.: An Analysis of Claret's Challenge to the Legality of the NFL's Draft Eligibility Rule Under Antitrust Laws.*"

Ms. Itri is presently an adjunct professor at Villanova University, teaching a white collar crime and corporate deviance course. Ms. Itri was named a "Pennsylvania Super Lawyer Rising Star" in 2010 and 2011 by Philadelphia Magazine after an extensive nomination and polling process among Pennsylvania lawyers. She was placed on Philadelphia's First Judicial District's 2010 Roll of Honor for Pro Bono Service for her service in the community, including acting as a volunteer attorney for the Education Law Center, Veterans Pro Bono Consortium, Philadelphia VIP Mortgage Foreclosure Program, the Homeless Advocacy Project, and HIAS.

**Patrick F. Madden**

Patrick F. Madden is a member of Berger & Montague's employee rights practice group. Mr. Madden joined Berger & Montague in September 2010 after serving as a summer associate and law clerk at the firm.

Mr. Madden is a graduate of the University of Pennsylvania with a major in urban studies (B.A. 2004, honors) and Temple University, James E. Beasley School of Law (J.D. 2010). While at Temple, Mr. Madden was the Executive Editor of Publications for the *Temple Journal of Science, Technology & Environmental Law*, and also served as an intern for the Honorable Petrese Tucker, United States District Court, Eastern District of Pennsylvania.

Prior to attending law school, Mr. Madden worked at the United States Department of Labor, Office of Labor-Management Standards as an investigator

### **Shoshana Savett**

Shoshana Savett received a B.A. from the University of Pennsylvania in 1999. She graduated from Temple Law School in 2003 and is admitted to practice law in Pennsylvania and New Jersey. Ms. Savett is an associate in the securities department.

Shoshana worked on numerous class action that have achieved significant benefits on behalf of the Class. These cases include: *In re Merrill Lynch Securities Litigation*, Civil Action No. 07-cv-09633 (S.D.N.Y.) (\$475 million settlement); *Ginsburg v. Philadelphia Stock Exchange, Inc., et al.*, C.A. No. 2202-CC (Del. Ch.) representing certain shareholders of the Philadelphia Stock Exchange in the Delaware Court of Chancery (\$99 million settlement); *In re Sepracor Inc. Securities Litigation*, Civil Action no. 02-12235-MEL (D. Mass.) (\$52.5 million settlement approved September 6, 2007).

# BAILEY GLASSER LLP

## HIGH-STAKES LITIGATION

Class Actions

Products Liability/Personal Injury

Mass Torts

Bailey & Glasser brings a trial-focused litigation approach to its wide-ranging and successful class action and mass torts practice. The firm has the resources, experience and expertise to go toe-to-toe with some of the wealthiest corporations in the world. We litigate class action cases involving predatory mortgage lending, illegal loan servicing, antitrust violations, breaches of warranty, employee rights, mismanaged pension funds, ERISA, and a host of other consumer and employee matters.

The firm concentrates its litigation practice in the areas of complex commercial mass torts and class action litigation. The firm currently represents among others the States of Florida, Montana, Ohio, Oklahoma, and West Virginia, individual consumers, and retirement plan investors throughout the United States. The firm has substantial experience in successfully prosecuting multi-million dollar cases, including complex class actions and mass torts.

## REPRESENTATIVE CASES

### **Toyota Unintended Acceleration Marketing, Sales Practices, and Product Liability Litigation**

In 2009, we filed one of the first wrongful death actions alleging sudden-acceleration defects in a Toyota Camry.

Ultimately, our lawyers were appointed to key MDL leadership roles in what came to be one of the largest products liability cases ever filed. Ben Bailey served on the plaintiffs' lead counsel committee pursuing economic-loss damages; Eric Snyder serves in the same capacity on the committee pursuing personal injury claims. The firm has played a leading role in developing expert testimony on the sudden acceleration defect in 2002-2010 Toyota vehicles.

The economic-loss claims settled for \$1.6 billion; the personal injury claims remain pending.

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## REPRESENTATIVE CASES

### *ERISA Cases*

**Bilewicz v. Fidelity Investments** - As co-lead counsel, before the motion to dismiss was resolved, we secured a \$12 million cash settlement and millions more in future benefits to settle breach of fiduciary duty claims against Fidelity for investing its own 401(k) plan in its own funds.

**Diebold v. Northern Trust** - As co-lead counsel, secured a \$36 million cash settlement on behalf of hundreds of ERISA retirement plans who complained about mismanagement of cash collateral pools.

**Figas v. Wells Fargo & Company** - As co-lead counsel, we recovered \$17.5 million in settlement of breach of fiduciary duty claims against Wells Fargo & Co. for investing its own 401(k) plan in its own funds.

**Glass Dimensions, Inc. v. State Street Bank & Trust Co.** - Obtained class certification on behalf of 1,500 retirement plans invested in over 250 collective investment funds claiming excessive fees in securities lending; the parties later reached a proposed \$10 million settlement.

**National City Corp., Securities, Derivative & ERISA Litigation** - Recovered \$43 million for class members in settlement of breach of fiduciary duty claims for mismanaging 401(k) plan investments.

### *Other Cases*

**Household Lending Litigation** - \$172 million settlement on behalf of nationwide class of home mortgage borrowers injured by predatory mortgage lending practices.

**Curry v. Fairbanks Capital Corporation** - \$55 million settlement on behalf of nationwide class of borrowers subject to predatory loan servicing practices.

**Hall v. Capital One Auto Finance** - \$37 million settlement on behalf of state-wide class of car owners sent allegedly flawed repossession notices.

**Lowe v. Ford Motor Credit** - \$22 million settlement on behalf of state-wide class of car owners subject to flawed repossession practices.

**Mey v. Herbalife International, Inc.** - We were brought in by a team of lawyers to help prosecute class action claims under the Telephone Consumer Protection Act. The case settled for \$7 million, at the time one of the largest TCPA robocall telemarketing settlements since the statute was enacted in 1991.

**UST Litigation & Related Proceedings** - We serve on the management committee of a consortium of firms representing 22 governors, state attorneys general, and underground storage tank funds pursuing claims against the major oil companies for overpayments of UST cleanup costs. This ongoing endeavor has returned over \$100 million dollars to the various states.

"Plaintiff's chosen counsel is qualified, experienced, and able to vigorously conduct the proposed litigation.

The record demonstrates that Plaintiff's counsel has extensive experience in conducting ERISA securities class action suits, and Plaintiff's counsel has demonstrated a thorough approach to all matters presently before the court."

**Glass Dimensions, Inc. v. State Street Bank & Trust Co., 285 F.R.D. 169 (D. Mass. 2012).**

## CONTACT

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Peiffer Rosca Wolf Abdullah Carr & Kane, APLC (“Peiffer Rosca Wolf”) was founded in 2013. Joseph Peiffer, Peiffer Rosca Wolf’s, managing partner, previously was a litigation partner at Fishman Haygood, LLP in New Orleans. Peiffer Rosca Wolf handles a wide variety of cases, but its class action practice is focused on representing individuals and institutions that have suffered losses due to investment fraud or breaches of fiduciary responsibility.

Peiffer Rosca Wolf has been appointed class counsel serves as counsel in numerous class actions, including:

*Bilewicz v. FMR LLC*, a case brought on behalf of current and former employees of Fidelity Investments, alleging that Fidelity violated ERISA by offering exclusively high-fee Fidelity mutual fund products in its retirement plan and by repeatedly adding funds to the plan with little or no track record. Plaintiffs further alleged that the Fidelity plan's fees are very high for a multi-billion dollar plan, and Fidelity has failed to follow sound fiduciary practices for multi-billion dollar plans. This case was successfully settled, and Peiffer Rosca Wolf was approved as co-class counsel in that action.

*In re Cox Enterprises, Inc. Set-Top Cable Television Box Antitrust Litigation*, Peiffer Rosca is on the plaintiff’s steering committee of this multi-district litigation consolidating numerous

regional antitrust class actions involving allegations that Cox illegally tied rental of its cable set-top boxes to the provision of cable television services. The court recently certified the first regional class that it considered, and Peiffer Rosca Wolf was approved as co-class counsel in that action.

Peiffer Rosca Wolf currently serves as counsel for plaintiffs in numerous class actions, including:

*In re Fidelity ERISA Float Litigation*, a case involving claims brought by participants in various ERISA plans administered by Fidelity, on behalf of those plans, alleging that Fidelity violated ERISA by improperly using “float” income received as interest on plan assets to pay itself fees and failing to crediting the amount of that float income to the plans or their participants.

*Whitley, et al. v. J.P. Morgan Chase & Co., et al.*, a class action lawsuit on behalf of retirement investors against J.P. Morgan Chase & Co. and various other J.P. Morgan entities over the sale and administration of the JP Morgan Stable Value Fund. Plaintiffs allege that JP Morgan breached its fiduciary duties under ERISA by including in the Stable Value Fund numerous risky investments and mortgage-related assets, the losses on which caused investors in the Fund to receive returns that grossly underperformed those of other similar funds.

*American Chemicals & Equipment Inc. 401(K) Retirement Plan v. Principal Management Corporation, et al.*, a case involving claims brought by ACE 401(k) Plan, on behalf of the shareholders of six mutual funds, against the investment advisors for those funds. Plaintiff alleges that the defendants breached their statutory fiduciary duty under Section 36(b) of the Investment Company Act of 1940 (“ICA”), 15 U.S.C. § 80a-35(b), by charging unfair and excessive fees for their advisory services and retaining excess profits derived from economies of scale.

*Carol Prock v. Thompson National Properties, LLC, et al.*, a securities class action filed on behalf of investors in the TNP 6700 Santa Monica Boulevard, a real estate investment program that raised approximately \$17 million from the investing public. Claims are predicated upon alleged material misrepresentations and omissions in the program’s offering documents by its sponsor and officers and directors of the sponsor.

*Jon Hanson v. Berthel Fisher & Company Financial Services, Inc., et al.*, a securities class action filed on behalf of investors in a real estate investment program that raised approximately \$26 million from the investing public. Claims are predicated upon the role played by Berthel Fisher, the managing broker-dealer of the program that allegedly organized and oversaw the securities offering by the Program while aware of misrepresentations and omissions in the Program’s offering documents.

*Lewis Booth, et al. v. Strategic Realty Trust, Inc. (f/k/a TNP Strategic Retail Trust, Inc.), et al.*, a securities class action filed on behalf of investors in a real estate investment program that raised approximately \$90 million from the investing public. Claims are predicated upon alleged material misrepresentations and omissions by the issuer, its sponsor, and its officers and directors, in the Program’s offering documents.



### **Peiffer Rosca Wolf Attorney Profiles**

**Joseph Peiffer** is the managing member of Peiffer Rosca Abdullah Carr & Kane, LLC. His practices consist of representing individuals and institutions that have been harmed by investment banks and brokerage firms, prosecuting ERISA class actions, and representing victims of labor trafficking and those who have suffered catastrophic injury. He has co-authored a treatise *Litigating Business and Commercial Tort Cases*, which is published by Thompson West.

Joe has also taught and lectured extensively. He co-created and taught a class entitled *Storytelling and Advocacy* at Loyola Law School. Also, at Loyola Law School, he has taught a course entitled “The Basics of Arbitration” and he also serves as an adjunct professor teaching *Trial Advocacy*. He has guest lectured at Tulane Law School in its *Securities Regulations* class and Syracuse Law School on securities arbitration. He has spoken at many national conventions on a variety of topics including prosecuting large, multi-client claims, broker’s deficient advice to retire and FINRA arbitration.

Joe has represented hundreds of individual retirees against their brokers in FINRA arbitration. The highlights of this practice include representing 32 Exxon retirees in a 90-day FINRA arbitration against Securities America that resulted in a \$22 million verdict — one of the largest ever awarded by a FINRA arbitration panel. He has also represented hundreds of Xerox and Kodak retirees against their broker resulting from the broker’s fraudulent advice to retire and subsequent unsuitable investments. He has represented hundreds of families in cases involving private placements and Ponzi schemes.

His financial services fraud practice also includes representing hospitals and municipalities around the country in cases involving their issuance of auction rate securities. He also serves as co-lead counsel on several ERISA class actions against large financial services firms alleging that they did not prudently invest retirement money and had conflicts of interest. He also is on the plaintiffs’ steering committee in a nationwide antitrust class action involving the illegal tying of cable set-top boxes to the provision of premium cable services. Joe also currently represents hundreds of clients in cases involving serious injuries sustained by pharmaceutical products.

Finally, he represents victims of human trafficking and labor exploitation. In one such case, the plaintiffs have alleged that the defendants have failed to pay overtime, improperly deducted for employee housing, and held the plaintiffs passports while in the United States. He has travelled extensively to the Philippines for this case and another one involving a rig explosion where two of his clients working on a rig owned by Black Elk exploded.

Joe was one of three Louisiana lawyers ranked by Chambers USA for securities litigation in 2011. He has been named a 2013 Rising Star by his peers in the Class Action Administration



organization. He has been quoted by USA Today, Wall Street Journal, the Associated Press, New York Times, New York Daily News, The Los Angeles Times, Business Week, Investment News, and many other publications. Mr. Peiffer has also appeared on CNN. He was named as one of the fifty Leaders in Law by New Orleans City Business Magazine.

He has also successfully risen into the leadership of several national bar associations. He twice served as the chairman of the Business Torts Section of the American Association for Justice. He currently serves as President of PIABA – a nationwide bar association of lawyers that represent individuals and institutions in arbitrations to recover money lost by investment banks and brokerage firms.

Joe graduated from Tulane School of Law, cum laude, in 1999. While at Tulane, he served on the Tulane Law Review and was involved with the Tulane Legal Assistance Program. Prior to attending Tulane, he graduated from Bowling Green State University in 1996 with a degree in communications.

**Alan Rosca** is a securities lawyer who focuses his legal practice on complex commercial and financial litigation and arbitration, particularly in the areas of securities and investment fraud. His other areas of interest are ERISA, mass torts, privacy and data collection, employment cases, and international disputes.

Alan often represents individual and institutional investors who suffered losses as a result of fraud, Ponzi schemes, stockbroker misconduct, and other securities rule violations. He has initiated class actions on behalf of thousands of investors nationwide who lost their savings because of investment fraud or misconduct. He has co-counseled cases with attorneys across the country, from class actions to FINRA arbitrations and receivership actions.

Alan has been quoted in the media on the topic of investment loss recovery from Ponzi schemes. He has co-authored amicus curiae memoranda submitted to state Supreme Courts on behalf of investors in securities litigation proceedings. He is currently authoring a study on the characteristics of the typical Ponzi scheme perpetrator and recovery venues available to investors. He also teaches Securities Regulation at the Cleveland-Marshall College of Law, Cleveland State University and is a speaker and author on attorney ethics and professionalism.

He received his Juris Doctor degree, summa cum laude, from the Cleveland-Marshall College of Law, Cleveland State University. While in law school, he served as a Managing Editor of the Cleveland State Law Review, received the Dean's scholarship for the entire Juris Doctor program, and was on the Dean's List. He also holds a Master of Business Administration degree from Baldwin Wallace University, Ohio.

Before becoming a lawyer, Alan worked in the securities industry and developed first-hand knowledge of the industry's compliance and supervisory procedures and their practical enforcement. His exposure to the inner workings of the securities industry has helped him better represent investors as an attorney-at-law, in cases against industry actors that fail in their duties to protect the investing public and abide by the securities rules and regulations.

Alan is licensed to practice law in Ohio, and was admitted before federal courts in the Fourth Circuit and Northern District of Ohio, and has been admitted *pro hac vice* in numerous federal district courts nationwide. He is a member of the Public Investors Arbitration Bar Association, a nationwide association of securities lawyers dedicated to representing investors in securities-related disputes.

**Adam Wolf** has developed a national reputation as a leading appellate and civil rights litigator. He successfully argued a case in the United States Supreme Court, *Safford Unified School District No. 1 v. Redding*, 557 U.S. 364 (2009), that defined the scope of the Fourth Amendment regarding strip searches in public schools. The Court's opinion in *Safford* marked the first time in forty years that the Supreme Court ruled in favor of a student who claimed that her school violated her constitutional rights. For his efforts in this case, Mr. Wolf was named Attorney of the Year in California by California Lawyer Magazine.

Mr. Wolf has argued in numerous federal and state courts of appeals, in addition to the United States Supreme Court. He has represented groups and individuals whose constitutional rights have been violated, organizations who seek to vindicate their rights, and governmental entities who were harmed by corporate misconduct.

An established appellate and civil rights litigator, Mr. Wolf has lectured around the country regarding constitutional law and civil rights. He has been quoted in hundreds of domestic and international newspapers, including the New York Times, Washington Post, Los Angeles Times, USA Today, and Wall Street Journal. Additionally, Mr. Wolf has appeared on numerous television and radio programs, including Good Morning America, CBS Evening News, ABC World News, NBC Nightly News, CNN Headline News, National Public Radio, and the BBC.

**David Abdullah** is a veteran trial attorney and former prosecutor, practicing out of the firm's New Orleans office. David has strong family and civic ties to the local community and has been a resident of New Orleans since 1996.

David attended Florida A&M University from 1992 to 1996, where he earned his B.S. in Business Economics. Thereafter, David attended Tulane Law School, receiving his Juris Doctorate in 1999.

David has gained extensive trial and litigation experience over the course of his career. He practiced as an Assistant District Attorney ("ADA") for both Orleans and Jefferson Parishes for ten years. As an ADA, David served as a felony trial attorney, special homicide prosecutor, Code 6 prosecutor and appeals attorney. He also served as an Assistant Special Counsel to the Judiciary Commission of Louisiana.

Following his career as a public servant, David entered began his law practice in the areas of occupational exposure and disease, products and premises liability, wrongful death, and criminal defense. David currently focuses his law practice in the areas of product liability, wrongful death,

human rights, whistleblower, personal injury, employment, mass torts, and select criminal defense matters.

**Daniel Carr** represents a diverse client base in a variety of commercial disputes, complex litigation, and arbitration. Daniel handles numerous state and federal lawsuits for individuals and businesses, and he currently represents investors, and municipalities in FINRA arbitration proceedings. Together with Joe Peiffer, Daniel also serves as co-counsel in several ERISA and antitrust class action lawsuits and represents individuals in litigation involving pharmaceutical products, labor exploitation, fraudulent investments, and wrongful death.

Daniel is a member of several nationwide bar associations, including PIABA (Public Investors Arbitration Bar Association), and he is currently sits on the board of directors of the Business Torts Section of the American Association for Justice.

Daniel received his law degree from Tulane School of Law, summa cum laude, in 2006. While at Tulane, he was elected Senior Articles Editor for the Tulane Law Review, and he worked as a fellow in the Legal Analysis Program. Following law school, Daniel was privileged to serve as a law clerk to Judge Jacques L. Wiener, Jr., on the United States Court of Appeals for the Fifth Circuit.

**Jason Kane** is a securities attorney practicing out of the firm's Upstate New York office. He has extensive experience representing investors in Financial Industry Regulatory Authority arbitrations and New York State Courts.

Jason graduated from the State University of New York at Geneseo in 2004 having earned his B.A. in Economics. Thereafter, Jason attended the Syracuse University College of Law, and received his Juris Doctorate, Cum Laude, in 2007.

While attending the Syracuse University College of Law, Jason served as a form and accuracy editor for the Syracuse Journal of International Law and Commerce. He also gained valuable experience as a student law clerk for Magistrate Judge George H. Lowe and served as a volunteer at the United States Attorney's Office in the Northern District of New York where he assisted the Assistant United States Attorneys prosecute their cases.

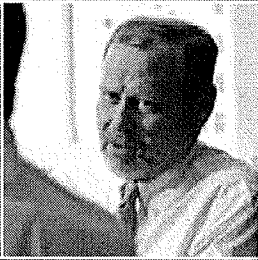
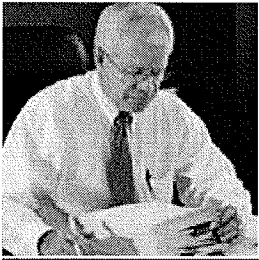
Jason has represented hundreds of investors in Upstate New York and around the country in some of the highest profile securities cases originating out of Upstate New York. He has recovered millions of dollars in FINRA arbitration and mediation while representing individuals against their former brokers and brokerage firms. He often assists his victimized clients through the regulatory investigations that result from the large scale scams perpetrated by their unscrupulous brokers.



Responsive

Aggressive

Creative



Cooper & Scully  
A Professional Corporation





Cooper & Scully is a well-respected firm and continues to be guided by the founding principles.



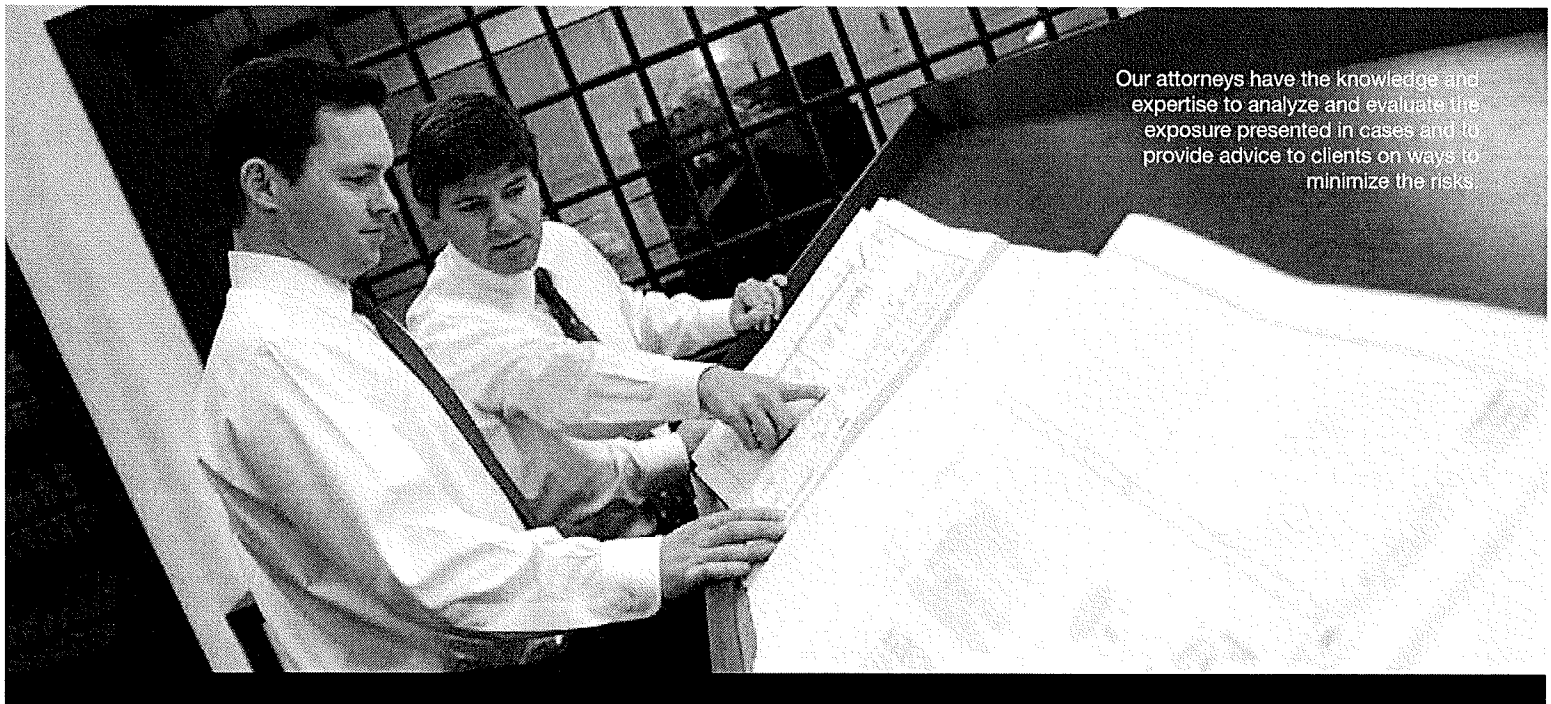
## Committed & Determined

Founded in 1993, Cooper & Scully is a mid-size law firm known for its aggressive representation and expertise in handling litigation and appellate matters. We have offices in Dallas, Houston and San Francisco, and our practice is national in scope. Through effective and cost-efficient services, our dedicated trial and appellate lawyers and teams enjoy a stellar reputation for success and excellence.

Beyond our trial and appellate practice, we provide a variety of other legal services to business clients. Our firm has the flexibility to address the needs of small and large business concerns alike.



In addition to litigating complex cases from their inception, we are frequently retained as trial counsel in cases prepared by other firms. We also handle federal and state regulatory and agency proceedings and alternative dispute resolution matters, such as arbitration, summary jury trial, and mediation. The firm has a substantial track record of delivering outstanding results by providing thorough and responsive representation.



Our attorneys have the knowledge and expertise to analyze and evaluate the exposure presented in cases and to provide advice to clients on ways to minimize the risks.

## Practices & Industries

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Cooper & Scully is uniquely positioned to effectively assist our clients in a variety of practice areas across a broad range of industries. Our trial and appellate lawyers work hand-in-hand with our clients to effectively navigate the challenges and complexities of all types of litigation. We use our business and legal skills to give our clients the best advantage. Our



understanding of industries and businesses and the application of the law provide our clients a legal edge and an ally with sound judgment.

### APPELLATE LAW

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At Cooper & Scully, we have a reputation for the successful handling of appeals in both state and federal courts. We routinely receive referral appeals from attorneys and clients throughout the country. In addition, many of our attorneys have experience as law clerks for state and federal judges, which gives us a unique insight into the trial and appellate process. Our appellate teams have expertise in preparing briefs and petitions, evaluating potential appeals and original

proceedings, perfecting appeal arguments, and preparing and delivering oral arguments. Our teams have argued landmark cases before the Texas Supreme Court, Texas appellate courts, and federal appeals courts, as well as appellate courts in other states. The firm's appellate teams also support our trial teams throughout the litigation process.

### BANKRUPTCY

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The firm's bankruptcy practice includes representing creditors during commercial bankruptcy proceedings, including bankruptcy litigation, negotiation, and alternate dispute resolution.

### CONSTRUCTION LAW

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At Cooper & Scully, we advise clients on matters of construction litigation, as well as draft and negotiate construction-related contracts. We represent construction clients throughout the state of Texas and beyond. Our clients include residential and commercial builders, developers, contractors, and subcontractors.

### FAMILY LAW

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The firm represents individuals and families involved in divorce and other family-related litigation. We have experience drafting both pre- and post-nuptial agreements, post-divorce modifications, and grandparents' rights disputes. In addition, we have provided representation to clients involved in alimony matters, alternate dispute resolution, complex property disputes, DNA tests and other paternity proceedings, jurisdictional and venue challenges, and kidnapping disputes, at both the national and international levels.

### INSURANCE

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Cooper & Scully has an extensive background in insurance matters, including bad faith litigation, coverage, subrogation, first and third party litigation, legislation, and reinsurer issues. We represent both insurers and insureds in a wide variety of coverage disputes.



Our attorneys strive to achieve the very best results for clients through intuitive interviews and clear communication.





Our firm provides the resources to support the pursuit of all types of cases.

Our firm has the requisite experience to understand the risks inherent in today's business market and to advise our commercial clients on how to minimize them. In addition, we have expertise representing clients before regulatory agencies, rendering coverage opinions, and drafting policies and endorsements.

#### LABOR & EMPLOYMENT

Cooper & Scully offers transactional, litigation, and risk-assessment services in employment law. Our transactional services include severance, non-disclosure, and non-compete agreements. The firm's risk assessment services include the drafting and implementation of employee policies and



procedures to ensure compliance with state and federal laws. In addition, the firm routinely represents clients before regulatory agencies.

Our litigation experience includes defending employment claims under federal and state law for intentional infliction of emotional distress, wrongful discharge, defamation, trade secret, misappropriation, breach of employment contract, and breach of non-compete agreements.

#### COMMERCIAL & BUSINESS LITIGATION

Through effective and cost-efficient services, our dedicated trial and appellate lawyers enjoy a stellar reputation for success and commitment to excellence. The firm represents businesses in a variety of commercial litigation matters, including business tort disputes, class action lawsuits, multi-district litigation, and technology-related matters. We advise large multi-national corporations as well as smaller partnerships and individuals. We have experience in prosecuting and defending trade secret claims, oil and gas litigation, real estate disputes, intellectual property cases, employment matters, breach of fiduciary duty claims, and other business matters.

In addition to litigating complex cases from their inception, we are retained frequently as trial counsel in cases prepared by other firms. We represent private and public entities in a broad range of litigation and other legal matters, including complex multi-party and class-action lawsuits before federal and state courts. We also handle federal and state regulatory and agency proceedings and alternative dispute resolution matters, such as arbitration, summary jury trial, and mediation. The firm has a substantial track record of delivering outstanding results by providing thorough and responsive representation.



Talent combined with  
state-of-the-art resources and  
in-house law resources can  
accomplish exceptional results.

#### HEALTH CARE LITIGATION

Cooper & Scully trial attorneys have successfully represented health industry clients in complex commercial litigation, class actions, provider reimbursement litigation, medical malpractice lawsuits, managed care litigation, medical staff and peer review disputes, benefits administration litigation under ERISA, Medicare and FEHBA, licensure proceedings, administrative hearings, and False Claims litigation. The firm currently serves as coordinating counsel for one of the nation's largest health care organizations and has served as national counsel on birth injury litigation for several hospital systems.

#### PREMISES LIABILITY

Working closely with our property management clients, Cooper & Scully advises them on preventing litigation through risk assessment and risk strategy review. We focus on providing adequate security and other safety training to management and administrative personnel. The firm also represents residential and commercial clients in personal injury lawsuits, suits arising out of third-party criminal acts committed on the clients' property, and lease disputes.

#### TRANSPORTATION LAW

The firm's attorneys are experienced and knowledgeable about the transportation industry and understand the vital importance of early investigation and evaluation in issues of transportation losses. In addition, we use state-of-the-art technology to investigate accidents and reconstruct them.

### National Strength Local Accountability

With deep and strong roots in Texas, we have a reputation for national reach with local strength. We handle and manage cases across the country.

Our mission is our clients, our responsiveness, our determination, and results. Undertaking and achieving our clients' goal is our priority. We

aggressively and efficiently deliver outstanding results for our clients. Our medium size provides us the flexibility needed for personal service and attention while aggressively pursuing our clients' needs.

Our local and national clients appreciate our hard-working and level-headed approach to solving their legal problems, in and out of court.



Our dedicated attorneys  
work as a team to produce  
outstanding results for  
our clients.





## Cooper & Scully

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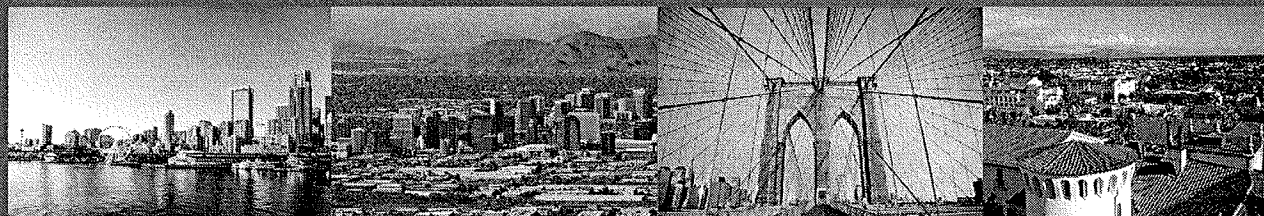
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# KELLER•ROHRBACK<sup>L.L.P.</sup>

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# KELLER ROHRBACK<sup>L.L.P.</sup>

L A W   O F F I C E S

## Our Firm

Founded in 1919, today Keller Rohrbach has more than 60 attorneys and more than 100 staff members who provide expert legal services to clients nationwide. We use cutting-edge technology and case management techniques in the preparation and trial of complex cases. Our excellent support staff includes in-house programming personnel and experienced paralegals who contribute significantly to our ability to effectively and efficiently litigate complex class action cases nationwide. The firm's Complex Litigation Group regularly calls on firm attorneys in other practice areas for expertise in bankruptcy, contracts, employment law, executive compensation, corporate transactions, financial institutions, insurance coverage, mergers and acquisitions, professional malpractice, and securities transactions. The firm's in-house access to these resources distinguishes Keller Rohrbach from other plaintiffs' class action firms and also contributes to the firm's success.

## Leaders in ERISA Class Action Litigation

KELLER ROHRBACK L.L.P. is one of the nation's leading law firms committed to helping employees and retirees protect their employment, retirement, and benefits under the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

Keller Rohrbach helped pioneer the development of breach of fiduciary duty law under ERISA and is a nationally recognized leader in this area. Our efforts have resulted in numerous published decisions upholding plaintiffs' ERISA claims, granting class certification, and approving several multi-million dollar settlements. To date, Keller Rohrbach has recovered monetary and equitable relief valued at over \$1 billion for employees and retirees.

Based on our extensive ERISA experience, Keller Rohrbach's attorneys are frequently invited to speak at ERISA continuing legal education seminars and conferences and have written numerous ERISA-related amicus briefs and articles.

As a full-service law firm, Keller Rohrbach regularly advises employees, retirees, health care subscribers, businesses, and independent fiduciaries concerning their rights and duties under ERISA.

Federal courts throughout the country have recognized Keller Rohrbach's qualifications to vigorously pursue ERISA class action claims. Thus, Keller Rohrbach has served in a leadership position in several major ERISA breach of fiduciary duty cases involving retirement and health care plans, including ERISA litigation against the following corporations:

AIG	Fremont General Corp.	Mirant	UnitedHealth Group, Inc.
Bear Stearns Cos., Inc.	Global Crossing	Pfizer	Visteon
Beazer Homes USA	Goodyear Tire & Rubber Co.	Polaroid	Wachovia Corp.
BellSouth	HealthSouth	Providian	Wal-Mart Stores, Inc.
CIGNA	Household International	Regions Financial Corp.	Washington Mutual, Inc.
CMS Energy	IndyMac	Southern Company	Weyerhaeuser
Colonial BancGroup, Inc.	Krispy Kreme Doughnut	State Street	Williams Companies
Countrywide Financial	Lucent Technologies	Stiefel Laboratories, Inc.	WorldCom
Delphi	Marsh & McLennan	Syncor	Xerox
Dynegy	Merck	The Bank Of New York Mellon	
Enron	Merrill Lynch	Transamerica Life Ins. Co.	

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## ERISA Cases

### Retirement Plans

Keller Rohrbach is one of America's leading law firms handling retirement plan litigation. We are committed to helping employees and retirees protect their retirement savings. Keller Rohrbach is recognized as one of the premier firms litigating ERISA breach of fiduciary duty claims against employers for losses to defined contribution plans caused by imprudent investment in company stock. In addition, our attorneys have extensive experience litigating cases involving excessive fees related to the management and administration of plan investment funds, conversions to cash balance plans, and losses under defined benefit pension plans.

### Private Company ESOPs

An Employee Stock Ownership Plan ("ESOP") is a tax-qualified defined contribution employee benefit program intended to invest primarily in the stock of the plan sponsor company. Both private and public companies offer ESOPs.

Keller Rohrbach has a growing private ESOP practice, which focuses on business practices and fiduciary conduct in ESOP-owned companies. Keller Rohrbach attorneys are very familiar with applicable ESOP stock valuation techniques and methodologies and work closely with valuation experts.

### Health Care Benefits

In addition to retirement plans, ERISA also governs how employee health care plans are administered. Health care plans must be operated with particular standards that were designed to protect the interests of employees, retirees, and other plan beneficiaries, such as family members. ERISA creates fiduciary responsibilities for those who manage and control health plans, requires that plans provide participants with accurate plan information, and gives plan participants the right to sue for benefits and breaches of fiduciary duty.

### Recognition

We are honored that courts nationwide have repeatedly praised Keller Rohrbach's leadership and successful results in this highly complex and rapidly developing area of law.

"[Keller Rohrbach] has performed an important public service in this action and has done so efficiently and with integrity . . . [Keller Rohrbach] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions....[Keller Rohrbach] should be appropriately rewarded as an incentive for the further protection of employees and their pension plans not only in this litigation but in all ERISA actions." *In re WorldCom, Inc. ERISA Litig.*, 59 Fed. R. Serv. 3d 1170, 33 Empl. Benefits Cas. (BNA) 2291 (S.D.N.Y. Oct. 18, 2004).

"The Court finds that [Keller Rohrbach] is experienced and qualified counsel who is generally able to conduct the litigation as Lead Counsel on behalf of the putative class. Keller Rohrbach has significant experience in ERISA litigation, serving as Co-Lead Counsel in the Enron ERISA litigation, the Lucent ERISA litigation, and the Provident ERISA litigation, and experience in complex class action litigation in other areas of the law. Mr. Sarko's presentation at the August 26, 2002 hearing before the Court evidences Keller Rohrbach's ability to adequately represent the class." *In re Williams Cos. ERISA Litig.*, No. 02-153 (N.D. Okla. Oct. 28, 2002) (order appointing Lead Counsel).

"Keller Rohrbach presents the most compelling case for appointment as interim lead class counsel based on . . . its extensive experience handling ERISA class actions...." *In re Wachovia Corp. ERISA Litig.*, No. 08-5320 (S.D.N.Y. Dec. 24, 2008).

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## Pioneering ERISA Cases

*In re Enron Corp. ERISA Litigation*, MDL No. 1446 (S.D. Tex.). Keller Rohrbach served as Co-Lead Counsel in this class action filed in the Southern District of Texas. On September 30, 2003, Judge Melinda Harmon denied defendants' numerous motions to dismiss in a landmark decision that addressed in detail defendants' obligations as ERISA fiduciaries, and upheld plaintiffs' core ERISA claims. Plaintiffs achieved four partial settlements totaling more than \$264 million in cash to the Enron plans against Enron directors, officers and plan fiduciaries.

*In re Lucent Technologies, Inc. ERISA Litigation*, No. 01-3491 (D. N.J.). Keller Rohrbach was appointed Co-Lead Counsel in this class action brought on behalf of participants and beneficiaries of the Lucent defined contribution plans that invested in Lucent stock. The complaint alleged that the defendants withheld and concealed material information from participants, thereby encouraging participants and beneficiaries to continue to make and to maintain substantial investments in company stock and the plans. The settlement provided for, among other relief, the payment of \$69 million in cash and stock to the plan. Judge Joel Pisano of the New Jersey federal court approved the settlement on December 12, 2003.

*Whetman v. IKON Office Solutions, Inc.*, MDL No. 10-1318 (E.D. Pa.). The current wave of 401(k) company stock cases began with *Whetman v. IKON Office Solutions, Inc.* In a first-of-its-kind complaint, we alleged that company stock was an imprudent investment for the plan, that the fiduciaries of the plan failed to provide complete and accurate information concerning company stock to the participants, and that they failed to address their conflicts of interest. This case resulted in ground-breaking opinions in the ERISA 401(k) area of law on motions to dismiss, class certification, approval of securities settlements with a carve-out for ERISA claims, and approval of ERISA settlements.

*In re WorldCom, Inc. ERISA Litigation*, No. 02-4816 (S.D.N.Y.). Keller Rohrbach served as Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the WorldCom 401(k) Salary Savings Plan. On June 17, 2003, Judge Denise Cote denied in part defendants' motions to dismiss and on October 4, 2004, granted plaintiffs' motion for class certification. Settlements providing for injunctive relief and payments of over \$48 million to the plan were approved on October 26, 2004 and November 21, 2005.

## Groundbreaking ERISA Settlements

Keller Rohrbach's qualifications to lead ERISA 401(k) and ESOP class actions is nowhere more evident than in the highly favorable settlements it has achieved for the benefit of employees in several of its nationally prominent cases. In addition to the Enron, Lucent, IKON, and WorldCom settlements discussed above, these settlements include:

*In re AIG ERISA Litigation*, No. 04-09387 (S.D.N.Y.). On December 12, 2006, the late Judge John E. Sprizzo denied defendants' motion to dismiss. On October 8, 2008, Judge Kevin T. Duffy, for Judge Sprizzo, issued final approval of the \$25 million settlement negotiated by the parties.

*Alvidres v. Countrywide Financial Corp.*, No. 07-5810 (C.D. Cal.). On November 16, 2009, Judge John F. Walter granted final approval of the \$55 million settlement.

*In re Bear Stearns Cos., Inc. ERISA Litigation*, No. 08-02804 (S.D.N.Y.). On September 20, 2012, the Honorable Robert W. Sweet granted final approval of the \$10 million Settlement in the ERISA action.

*In re Beazer Homes USA, Inc. ERISA Litigation*, No. 07-952 (N.D. Ga.). On November 15, 2010, Judge Richard W. Story granted final approval of the \$5.5 million settlement.



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## Groudbreaking ERISA Settlements (cont.)

*In re BellSouth Corporation ERISA Litigation*, No. 02-02440 (N.D. Ga.). On March 4, 2004, Judge J. Owen Forrester denied defendants' motion to dismiss. On December 5, 2006, Judge Forrester approved a settlement that provided structural relief for the plans valued at up to \$90 million, plus attorneys fees and costs.

*Braden, et al. v. Wal-Mart Stores, Inc., et al.*, No. 08-3109 (W.D. Mo.). On December 5, 2011 the Court preliminarily approved a \$13.5 million settlement of all claims and conditionally approved and appointed Keller Rohrbach as Lead Counsel in this class action lawsuit. The complaint alleged that certain fees and expenses charged to Wal-Mart's 401(k) plan and individual plan participant accounts by mutual fund companies, as well as revenue sharing and other fees collected by Merrill Lynch, were excessive in light of the size of the plan and that these excessive fees were charged without properly disclosing them to Wal-Mart, the plan, or plan participants. The settlement, which includes significant injunctive relief in addition to the cash amount, followed the successful appeal in the Eight Circuit Court of an order dismissing the action. Following a fairness hearing on March 7, 2012, the Court entered its final order and judgment on March 19, 2012, approving the settlement and plan of allocation.

*Buus, et al. v. WaMu Pension Plan, et al.*, No. 07-903 (W.D. Wash.). The parties to the litigation negotiated and executed a settlement agreement on June 29, 2010. On October 29, 2010, the Court held a fairness hearing and approved the settlement of \$20 million as fair, reasonable and adequate, approved the notice and publication notice and method of dissemination of such notices, approved the application for attorneys' fees and expenses, and approved the proposed plan of allocation and the case contribution awards for the Named Plaintiffs.

*In re CMS Energy ERISA Litigation*, No. 02-72834 (E.D. Mich.). On March 31, 2004, Judge George Caram Steeh denied defendants' motions to dismiss. On December 27, 2004, Judge Steeh granted plaintiffs' motion for class certification and subsequently approved the \$28 million settlement negotiated by the parties.

*In re Colonial BancGroup, Inc. ERISA Litigation*, No. 09-00792 (M.D. Ala.). On October 12, 2012, the Honorable Myron H. Thompson granted final approval of the \$2.5 million Stipulation of Settlement and certified the Class for settlement purposes.

*In re Dynegy, Inc. ERISA Litigation*, No. 02-3076 (S.D. Tex.). On March 5, 2004, the Court denied, in part, defendants' motions to dismiss. Subsequently, the parties reached a settlement that provided for the payment of \$30.75 million in cash to the plan. On December 10, 2004, Judge Sim Lake approved the settlement.

*In re Fremont General Corporation Litigation*, No. 07-02693 (C.D. Cal.). On August 17, 2007, Judge Florence-Marie Cooper appointed Keller Rohrbach sole Interim Lead Counsel, and on May 29, 2008, Judge Cooper denied defendants' motion to dismiss. The parties reached an agreement to settle the litigation for \$21 million. On April 26, 2011, the Honorable Jacqueline Nguyen granted preliminary approval of the Stipulation and Agreement of Settlement. On August 10, 2011, Judge Nguyen granted final approval of the Settlement.

*In re Global Crossing, Ltd. ERISA Litigation*, No. 02-7453 (S.D.N.Y.). The Global Crossing ERISA Litigation settlement provided for, among other relief, the payment of \$79 million to the plan. Judge Gerard Lynch approved the settlement on November 10, 2004.

*In re The Goodyear Tire & Rubber Company ERISA Litigation*, No. 03-02180 (N.D. Ohio). On July 6, 2006, Judge John R. Adams denied defendants' motions to dismiss. On October 22, 2008, the Court issued final approval of the \$8.375 million settlement.

*Hans v. Tharaldson*, No. 05-115 (D. N.D.). This lawsuit, brought on behalf of the Tharaldson Motels, Inc. Employee Ownership Plan ("ESOP"), provided for a \$15 million settlement fund, including a \$4 million cash payment to all current and former participants and beneficiaries of the ESOP, and an \$11 million credit against the principal owed by the ESOP to the company. Chief Judge Ralph Erikson approved the settlement on February 25, 2013.



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## Groudbreaking ERISA Settlements (cont.)

*In re HealthSouth Corp. ERISA Litigation*, No. 03-01700 (N.D. Ala.). On June 28, 2006, Judge Karon Bowdre approved a settlement in the amount of \$28.875 million.

*In re Household International, Inc. ERISA Litigation*, No. 02-7921 (N.D. Ill.). On March 31, 2004, Judge Samuel Der-Yeghiayan denied, in part, defendants' motions to dismiss. The case subsequently settled for \$46.5 million in cash to the plan. The court approved the settlement on November 22, 2004.

*In re IndyMac ERISA Litigation*, No. 08-4579 (C.D.Cal.). On January 19, 2011, Judge Dean Pregerson granted final approval of the \$7 million settlement.

*Lilly, et al. v. Oneida Ltd. Employee Benefits Admin. Committee, et al.*, No. 07-00340 (N.D.N.Y.). On May 8, 2008, Judge Neal P. McCurn issued an order in which he denied defendants' motion to dismiss. On October 4, 2010, the Court granted approval of a \$1.85 million settlement and entered an Order and Final Judgment.

*In re Marsh ERISA Litigation*, No. 04-8157, (S.D.N.Y.). On December 14, 2006, the Honorable Shirley Wohl Kram issued an order in which she granted in part and denied in part the defendants' motions to dismiss. The parties subsequently reached a settlement in the amount of \$35 million, which was approved by the Court on January 29, 2010.

*In re Merck & Co., Inc. "ERISA" Litigation*, MDL No. 1658 (D.N.J.). On July 11, 2006, the Honorable Stanley R. Chesler granted in part and denied in part defendants' motions to dismiss. On February 9, 2009, the Court granted in part and denied in part plaintiffs' motion for class certification. On November 29, 2011, Judge Chesler granted final approval of the \$49.5 million settlement negotiated by the parties.

*In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*, No. 07-10268 (S.D.N.Y.). On August 21, 2009, Judge Jed S. Rakoff granted final approval of the \$75 million settlement in the ERISA action.

*In re Mirant Corporation ERISA Litigation*, No. 03-01027 (N.D. Ga.). On November 16, 2006, the Court approved the settlement, including a payment of \$9.7 million in cash to the plan for losses suffered by the certified settlement class.

*In re Polaroid ERISA Litigation*, No. 03-08335 (S.D.N.Y.). On March 31, 2005, Judge William H. Pauley III granted in part and denied in part defendants' motion to dismiss. On September 29, 2006, Judge Pauley granted plaintiffs' motion for class certification. The parties subsequently reached a settlement in the amount of \$15 million, which was approved by the Court on June 25, 2007.

*In re Providian Financial Corp. ERISA Litigation*, No. 01-5027 (N.D. Cal.). The Providian ERISA Litigation settlement provided for structural changes to the plan, as well as the payment of \$8.6 million in cash to the plan. The court approved the settlement on June 30, 2003.

*Smith v. Krispy Kreme Doughnut Corporation*, No. 05-06187 (M.D.N.C.). The Krispy Kreme ERISA Litigation settlement provided for structural changes to the plan, as well as the payment of \$4.75 million in cash. On January 10, 2007, Judge William L. Osteen approved the settlement.

*Spivey v. Southern Co., et al.*, No. 04-01912 (N.D. Ga.). On August 14, 2007, the Court granted final approval of the settlement, including a payment of \$15 million in cash to the plan for losses suffered by the certified settlement class.

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## Groudbreaking ERISA Settlements (cont.)

*In re State Street Bank and Trust Co. ERISA Litigation*, No. 07-08488 (S.D.N.Y.). On February 19, 2010, Judge Richard J. Holwell granted final approval of the \$89.75 million settlement in the ERISA action.

*In re Syncor ERISA Litigation*, No. 03-02446 (C.D. Cal.). On August 23, 2004, Judge Baird denied, in part, defendants' motions to dismiss. Judge Baird subsequently granted plaintiffs' motion for class certification on March 28, 2005. The case settled, but was dismissed on summary judgment before the settlement could be approved. On February 19, 2008, the Ninth Circuit Court of Appeals reversed the district court's decision and remanded the case for further proceedings consistent with the Court's order. On October 22, 2008, Judge R. Gary Klausner granted final approval of the settlement, including a payment of \$4 million in cash to the plan for losses suffered by the certified class.

*In re Visteon Corporation ERISA Litigation*, No. 05-71205 (E.D. Mich.). On March 9, 2007, Judge Avern Cohn approved a settlement in the amount of \$7.6 million.

*In re Wachovia Corp. ERISA Litigation*, No. 09-00262 (W.D.N.C.). On October 24, 2011, the Honorable Martin Reidinger granted final approval of the \$12.35 million settlement.

*In re Washington Mutual, Inc. ERISA Litigation*, No. 07-1874 (W.D. Wash.). On January 7, 2011, the Honorable Marsha J. Pechman granted final approval of the \$49 million settlement in the ERISA action.

*In re Williams Companies ERISA Litigation*, No. 02-00153 (N.D. Okla.). On November 16, 2005, the Court approved the settlement for \$55 million in cash, plus equitable relief in the form of a covenant that Williams will not take any action to amend the plan to (i) reduce the employer match thereunder below four percent prior to January 1, 2011, or (ii) require that the employer match be restricted in company stock prior to January 1, 2011.

*Wool v. Sitrick*, No. 10-2741 (C.D. Cal.). On April 23, 2012, the Honorable Jacqueline Nguyen granted final approval of a \$6.25 million settlement.

*In re Xerox Corporation ERISA Litigation*, No. 02-01138 (D. Conn.). Since 2007, Judge Alvin Thompson has issued two opinions denying in significant part defendants' motions to dismiss. On April 14, 2009, Judge Thompson approved the \$51 million settlement negotiated by the parties.

## Pending ERISA Cases

In addition to the cases listed above, Keller Rohrbach has been appointed to a leadership position in numerous other ongoing ERISA retirement and health care benefits class actions. Through these cases, Keller Rohrbach has again and again demonstrated its expertise in ERISA law, and its ability to vigorously, creatively, and successfully pursue employees' rights under ERISA. Keller Rohrbach's leading role in the development of this law is unique and distinguishes the firm from any other in the country. Notable pending cases include:

*Andover Cos. Emp. Savings & Profit Sharing Plan v. State Street Bank & Trust Co.*, No. 12-11698 (D. Mass.). This Complaint was filed on behalf of a class of all qualified ERISA plans, and the participants, beneficiaries, and named fiduciaries of those plans who suffered losses as a result of State Street Bank and Trust Company's alleged deceptive acts and practices concerning charges for foreign currency ("FX") transactions at any time between January 2, 1998 and December 31, 2009. Plaintiffs allege that State Street breached its fiduciary duties to clients when it improperly marked up or marked down currency transactions, and engaged in ERISA-prohibited transactions when it failed to disclose fully the details of the relevant FX trading transactions it was undertaking on behalf of the Plans. A stay of proceedings is presently in place in this matter while the parties engage in informational exchanges, including formal document discovery.

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## Pending ERISA Cases (cont.)

*In re American International Group, Inc. ERISA Litigation II*, No. 08-05722 (S.D.N.Y.). On March 19, 2009, Keller Rohrbach was appointed Interim Co-Lead Counsel to represent the proposed class of participants and beneficiaries of the AIG Incentive Savings Plan. On March 31, 2011, Judge Laura Taylor Swain upheld the majority of Plaintiffs' claims in the Consolidated Amended Complaint. Following certain discovery, Plaintiffs filed their Consolidated Second Amended Complaint. On June 26, 2014, the Court denied Defendants' motions to dismiss in light of the Supreme Court's rejection of the presumption of prudence—relied upon by Defendants in their motions—in *Fifth Third Bancorp v. Dudenhoeffer*, 134 S.Ct. 2459 (2014).

*In re Bakery & Confectionery Union & Industry Int'l Pension Fund Pension Plan*, No. 11-1471 (S.D.N.Y.). The Honorable Vincent L. Briccetti ruled that the July 1, 2010 amendment to the Bakery & Confectionery Union & Industrial Pension Fund Pension Plan violated ERISA's anti-cutback provisions. The amendment changed the rule that permitted participants to "age into" eligibility for the Golden 80 and Golden 90 plans. Defendants appealed this ruling to the Second Circuit Court of Appeals and on May 1, 2014, the Court of Appeals Affirmed Judge Briccetti's ruling. Defendants are implementing adjustments to reinstate the benefits due to eligible employees.

*Carver v. The Bank of New York Mellon*, No. 12-9248 (S.D.N.Y.), and the companion case, *Fletcher v. The Bank of New York Mellon*, No. 14-5496 (S.D.N.Y.). The complaints in these matters were filed on behalf of participants and beneficiaries of ERISA plans who suffered losses as a result of the Bank of New York Mellon's alleged deceptive acts and practices concerning charges for Standing Instruction Foreign Currency ("SI FX") transactions. Plaintiffs allege that from January 12, 1999 to the present, Bank of New York Mellon breached its fiduciary duties by failing to prudently and loyally manage the Plan's foreign currency transactions in the best interests of the participants, failing to disclose fully the details of the relevant SI FX transactions it was undertaking on behalf of the Plans, and engaging in prohibited transactions.

*Chavies, et al. v. Catholic Health East, et al.*, Case No. 13-01645 (E.D. Pa.). In this pension plan lawsuit filed by Keller Rohrbach L.L.P. and Co-Counsel, Plaintiffs allege that Defendants are violating ERISA by, among other things, underfunding the defined benefit pension plans referred to as the CHE Pension Plans by approximately \$438.5 million. Plaintiffs further allege that Defendants' claim that this pension plan is exempt from ERISA's protections because it is a "church plan" is improper because, among other things, Catholic Health East is not a church or a convention or association of churches, and the CHE Pension Plans were not established by a church or a convention or association of churches.

*In re Citigroup ERISA Litigation II*, No. 11-7672 (S.D.N.Y.). The third amended consolidated complaint was filed on behalf of Plaintiffs and a proposed class of all persons who were participants in or beneficiaries of the Citigroup 401(k) Plan or the Citibuilder 401(k) Plan for Puerto Rico at any time between January 16, 2008 through March 5, 2009 and whose accounts included investments in Citigroup stock. Plaintiffs allege that during the Class Period Defendants breached their ERISA fiduciary duties to Plaintiffs and the Class members by: failing to prudently and loyally manage the Plans and assets of the Plans based on both public and non-public information; failing to properly monitor the performance of their fiduciary appointees and remove and replace those whose performance was inadequate; and failing to disclose necessary information to co-fiduciaries; and co-fiduciary liability.

*Kaplan v. Saint Peter's Healthcare Sys., et al.*, Case No. 13-02941 (D. N.J.). In this pension plan lawsuit filed by Keller Rohrbach L.L.P. and Co-Counsel, Plaintiff alleges that Defendants are violating ERISA by, among other things, underfunding the defined benefit pension plan known as the Saint Peter's Healthcare System Retirement Plan by over \$70 million. Plaintiff further alleges that Defendants' claim that this pension plan is exempt from ERISA's protections because it is a "church plan" is improper because, among other things, Saint Peter's Healthcare System is not a church or a convention or association of churches, and the Saint Peter's Healthcare System Retirement Plan was not established by a church or a convention or association of churches.



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## Pending ERISA Cases (cont.)

*Lann, et al. v. Trinity Health Corp., et al.*, Case No. 14-02237 (D. Md.). In this pension plan lawsuit filed by Keller Rohrbach L.L.P. and Co-Counsel, Plaintiffs allege that Defendants are violating ERISA by, among other things, underfunding the defined benefit pension plans referred to as the Trinity Plans by more than \$600 million. Plaintiffs further allege that Defendants' claim that this pension plan is exempt from ERISA's protections because it is a "church plan" is improper because, among other things, Trinity Health Corporation is not a church or a convention or association of churches, and the Trinity Plans were not established by a church or a convention or association of churches.

*Medina v. Catholic Health Initiatives, et al.*, Case No. 13-01249 (D. Colo.). In this pension plan lawsuit filed by Keller Rohrbach L.L.P. and Co-Counsel, Plaintiff alleges that Defendants are violating ERISA by, among other things, underfunding the defined benefit pension plan known as the Catholic Health Initiatives Retirement Plan by over \$892 million. Plaintiff further alleges that Defendants' claim that this pension plan is exempt from ERISA's protections because it is a "church plan" is improper because, among other things, Catholic Health Initiatives is not a church or a convention or association of churches, and the Catholic Health Initiatives Retirement Plan was not established by a church or a convention or association of churches.

*Overall v. Ascension Health, et al.*, Case No. 13-11396 (E.D. Mich.). In this pension plan lawsuit filed by Keller Rohrbach L.L.P. and Co-Counsel, Plaintiff alleges that Defendants are violating ERISA by, among other things, underfunding the defined benefit pension plans referred to as the Ascension Pension Plans by over \$444.5 million. Plaintiff further alleges that Defendants' claim that this pension plan is exempt from ERISA's protections because it is a "church plan" is improper because, among other things, Ascension Health is not a church or a convention or association of churches, and the Ascension Pension Plans were not established by a church or a convention or association of churches.

*Owens, et al. v. St. Anthony Med. Ctr., Inc., et al.*, Case No. 14-04068 (N.D. Ill.). In this pension plan lawsuit filed by Keller Rohrbach L.L.P. and Co-Counsel, Plaintiffs allege that Defendants are violating ERISA by, among other things, underfunding the defined benefit pension plan known as the St. Anthony Medical Center Retirement Plan by over \$32 million. Plaintiffs further allege that Defendants' claim that this pension plan is exempt from ERISA's protections because it is a "church plan" is improper because, among other things, St. Anthony Medical Center is not a church or a convention or association of churches, and the St. Anthony Medical Center Retirement Plan was not established by a church or a convention or association of churches.

*Potter v. ConvergeX Group LLC*, No. 13-9150 (S.D.N.Y.). The amended complaint in this matter was filed on behalf of participants and beneficiaries of ERISA Plans who suffered losses as a result of alleged deceptive acts and practices of ConvergeX Group and related Defendants concerning charges for brokerage and transaction management services. Plaintiffs allege that from October 2006 to December 2011, Defendants breached their fiduciary duties by failing to prudently and loyally manage the Plan's brokerage and transition management transactions in the best interests of participants, failing to disclose fully the details of the relevant transactions as was undertaking on behalf of the Plans, and engaging in prohibited transactions.

*In re Regions Morgan Keegan ERISA Litigation*, No. 08-2192 (W.D. Tenn.). Keller Rohrbach is Co-Lead Class Counsel in this ERISA breach of fiduciary duty class action brought on behalf of participants and beneficiaries in the company's retirement plans as well as customer plans for which Regions served as a fiduciary. On June 23, 2014, the Court granted preliminary approval of a settlement and scheduled the final approval hearing for December 15, 2014.

*Rollins v. Dignity Health, et al.*, Case No. 13-01450 (N.D. Cal.). In this pension plan lawsuit filed by Keller Rohrbach L.L.P. and Co-Counsel, Plaintiff alleges that Defendants are violating ERISA by, among other things, underfunding the defined benefit pension plans referred to as the Dignity Health Pension Plans by over \$1.2 billion. Plaintiff further alleges that Defendants' claim that this pension plan is exempt from ERISA's protections because it is a "church plan" is improper because, among other things, Dignity Health is not a church or a convention or association of churches, and the Dignity Health Pension Plans not established by a church or a convention or association of churches.

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## Pending ERISA Cases (cont.)

*Santomenno, et al. v. Transamerica Life Insurance Company, et al.*, No. 12-2782 (C.D. Cal.) is currently pending in the United States District Court for the Central District of California. The class action complaint was filed on behalf of participants or beneficiaries of 401k plans to whom Transamerica Life Insurance Company ("TLIC") provided fiduciary services through one of its group annuity contracts ("GACs"). Plaintiffs allege that Defendants extracted impermissible fees from GACs issued by Transamerica to 401(k) plans created for small- and mid-sized businesses through the use of add-on or wrapper fees. On February 19, 2013, the Court issued an order denying Defendants' motions to dismiss in large part and upholding all of Plaintiffs' ERISA claims, finding that TLIC had fiduciary status with respect to these claims. The Court later denied a request to certify this order for interlocutory appellate review. On May 21, 2013, the Court denied Defendants' motion to strike Plaintiffs' class allegations, allowing the case to proceed as a putative class action. The case is now in discovery.

*Stapleton, et al. v. Advocate Health Care Network and Subsidiaries, et al.*, Case No. 14-01873 (N.D. Ill.). In this pension plan lawsuit filed by Keller Rohrback L.L.P. and Co-Counsel, Plaintiffs allege that Defendants are violating ERISA by, among other things, underfunding the defined benefit pension plan known as the Advocate Health Care Network Pension Plan. Plaintiffs further allege that Defendants' claim that this pension plan is exempt from ERISA's protections because it is a "church plan" is improper because, among other things, Advocate Health Care Network is not a church or a convention or association of churches, and the Advocate Health Care Network Pension Plan was not established by a church or a convention or association of churches.

*Wagner, et al. v. Stiefel Labs., Inc., et al.*, No. 12-3234 (N.D. Ga.). This ERISA case was filed by Plaintiffs on behalf of the Stiefel Labs., Inc. Employee Stock Bonus Plan. Plaintiffs allege that Defendants directed and approved the repurchase of Stiefel Labs., Inc. stock from ESOP participants and the ESOP at a fraction of the actual fair market value of Stiefel stock in violation of their duties under ERISA.

## Representative Securities Fraud Cases

In addition to its work in the ERISA arena, Keller Rohrback also has served as Lead or Co-Lead Counsel in a number of securities fraud class action cases where it has represented purchasers of securities.

*In re 2TheMart.com, Inc. Securities Litigation*, No. 99-1127 (C.D. Cal.). Keller Rohrback served as Co-Lead Counsel in this securities fraud class action filed in the Central District of California, Southern Division. The class achieved settlements totaling \$2.7 million.

*In re Anicom, Inc. Securities Litigation*, No. 00-4391 (N.D. Illinois). Keller Rohrback was one of three counsel representing the State of Wisconsin Investment Board in this securities fraud class action. Counsel achieved settlements on behalf of the class and other parties in excess of \$39 million, including a payment of \$12.4 million directly from one of the named defendants, described as "one of the largest payments obtained in connection with allegations of securities and accounting fraud in recent times." In all, over 80% of the total recovery was obtained from sources other than Anicom's insurance policy.

*In re Apple, Inc. Derivative Litigation*, No. 06-04128 (N.D. Cal.). Keller Rohrback served on the Plaintiffs' Management Committee in the federal derivative shareholder action against nominal defendant Apple Computer, Inc. and current and former officers and members of Apple's Board of Directors. Plaintiffs alleged, among other things, breach of fiduciary duty, unjust enrichment, and gross mismanagement arising from the practice of backdating stock options granted between 1993 and 2001, which practice diverted millions of dollars of corporate assets to Apple executives. Counsel achieved a settlement that awarded \$14 million—one of the largest cash recoveries in a stock backdating case—and required Apple to adopt a series of unique and industry-leading corporate enhancements.

# KELLER ROHRBACK<sup>L.L.P.</sup>

L A W O F F I C E S

## Representative Securities Fraud Cases (cont.)

*In re Foundry Networks, Inc. Derivative Litigation*, No. 06-5598 (N.D. Cal.). Keller Rohrbach was appointed Co-Lead Counsel in this federal derivative shareholder action against nominal Defendant Foundry Networks, Inc., and current and former officers and members of Foundry's Board of Directors. Plaintiffs alleged, among other things, breach of fiduciary duty, unjust enrichment, and gross mismanagement arising from the practice of backdating stock options granted between 2000 and 2003, diverting millions of dollars of corporate assets to Foundry executives. On February 20, 2009, the court entered an order approving settlement.

*Getty, et al. v. Harmon, et al.*, No. 98-178 (W.D. Wash.). Keller Rohrbach served as Lead Counsel in this securities fraud action filed in Western Washington federal court involving a "Ponzi" scheme. Plaintiffs allege that at least one key person responsible for this scheme was affiliated with SunAmerica Securities, which knew or should have known that securities laws were being violated. The class achieved settlements totaling \$7 million.

*In re IKON Office Solutions, Inc. Securities Litigation*, MDL No. 10-1318 (E.D. Pa.). Keller Rohrbach served as Co-Lead Counsel representing the City of Philadelphia and eight other Lead Plaintiffs in this certified class action alleging securities fraud. Class Counsel achieved the highest securities fraud settlement in the history of the Court by settling with defendant IKON Office Solutions, Inc. for \$111 million. At that time, the settlement was listed as one of the "largest settlements in class-action securities-fraud lawsuits since Congress reformed securities litigation in 1995" by USA Today.

*Lasky v. Brown, et al.* (United Companies Financial Corp. Securities Litigation), No. 99-1035 (M.D. Fla.). Keller Rohrbach served as Co-Lead Counsel in this class action lawsuit filed in the Middle District of Louisiana, on behalf of individual shareholders who purchased or otherwise acquired equity securities in United Companies Financial Corporation between April 30, 1998 and February 2, 1999, inclusive. The class recovered \$20.5 million in settlements.

*In re WorldPort Comm., Inc., et al.*, No. 99-1817 (N.D. Ga.). This shareholder class action was brought in Georgia federal court alleging securities fraud. Parties in this case reached a \$5.1 million settlement.

## Other Representative Cases

*In re Carpet Antitrust Litigation*, No. 95-193 (N.D. Ga.). This case was filed in the Northern District of Georgia and resulted in a \$50 million settlement. United States District Judge Harold L. Murphy stated that the attorneys' "efforts in this case to date have demonstrated their great skill and ability" and that "the Court's own observations of Plaintiffs' counsel support a determination that Plaintiffs' counsel are highly reputable and responsible attorneys."

*In re Commercial Tissue Products Antitrust Litigation*, MDL No. 97-1189 (N.D. Fla.). This antitrust case filed in the Northern District of Florida involved allegations of a nationwide price-fixing conspiracy among the major manufacturers of facial tissue, toilet paper, paper towels, and related products used in "away from home" settings, such as office buildings, hotels, restaurants, and schools. The parties entered into a settlement agreement valued at \$56.2 million in cash and coupons.

*Cox, et al v. Microsoft Corp., et al.*, MDL No. 00-1332 (D. Md.). Keller Rohrbach served on the Executive Committee of Plaintiffs' Counsel in this class action challenging Microsoft's monopolistic practices. A class of direct purchasers of operating system software achieved a settlement of \$10.5 million in the United States District Court for the District of Maryland.



# KELLER ROHRBACK<sup>L.L.P.</sup>

L A W O F F I C E S

## Other Representative Cases (cont.)

*In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation*, MDL No. 16-1203 (E.D. Pa.). These cases involved numerous plaintiffs in Washington and other states who were seeking medical monitoring and/or personal injury compensation in relation to their ingestion of the prescription diet drugs Pondimin and Phentermine (i.e. Fen-Phen) or Redux. Keller Rohrbach served as class counsel for a certified medical monitoring class of Washington patients who ingested these diet drugs. In addition, the federal court judge in Philadelphia who supervised the national settlement and litigation appointed Lynn Lincoln Sarko, Keller Rohrbach's managing partner, to serve as a member of the MDL 1203 Plaintiffs' State Liaison Counsel Committee. Keller Rohrbach has represented numerous plaintiffs in pursuing individual personal injury claims through the American Home Products' Nationwide Class Action Diet Drug Settlement or through individual lawsuits brought in state or federal courts.

*Erickson v. Bartell Drug Co.*, No. 00-1213 (W.D. Wash.). Keller Rohrbach was proud to represent the plaintiff class in the landmark opinion issued in this case. Judge Robert Lasnik held that when an otherwise extensive health plan covers almost all drugs and devices used by men, the exclusion of prescription contraceptives creates a "gaping hole in the coverage offered to female employees, leaving a fundamental and immediate healthcare need uncovered. . . . Title VII requires employers to recognize the differences between the sexes and provide equally comprehensive coverage, even if that means providing additional benefits to cover women-only expenses." *Erickson v. Bartell Drug Co.*, 141 F.Supp.2d 1266, 1277 (W.D. Wash. 2001). This monumental decision has paved the way for implementation of non-discriminatory prescription coverage in employee benefit plans nationwide.

*In re the Exxon Valdez*, No. 89-95 (D. Alaska). Keller Rohrbach represented fishermen, Alaska natives, municipalities, and other injured plaintiffs in this mass tort lawsuit arising out of the March 24, 1989, oil spill in Prince William Sound, Alaska. After a three-month jury trial, plaintiffs obtained a judgment of \$5 billion in punitive damages—at the time the largest punitive damages verdict in U.S. history. Keller Rohrbach played a leadership role during discovery and at trial, and was chosen to serve as administrator of both the Alyeska and Exxon Qualified Settlement Funds. The amount of punitive damages was subsequently reduced by the United States Supreme Court to \$507.5 million, upon which interest was added.

*Ferko, et al. v. NASCAR, et al.*, No. 02-50 (E.D. Tex.). Keller Rohrbach was counsel for plaintiff in a lawsuit that charged NASCAR with breach of contract, unlawful monopolization, and of conspiring with International Speedway Corporation ("ISC") to restrain trade in violation of the antitrust laws. Keller Rohrbach represented the shareholders of Speedway Motorsports, Inc. ("SMI"), a publicly traded company that owns six motorsports facilities, including Texas Motor Speedway ("TMS"). In May 2004, the parties reached a settlement agreement, pursuant to which, among other things, ISC sold North Carolina Speedway to SMI for \$100.4 million and NASCAR sanctioned the Nextel Cup Series race previously hosted by Rockingham at TMS in the 2005 season. The settlement was approved by the United States District Court for the Eastern District of Texas.

*Lawrence, et al. v. Philip Morris Co., et al.*, No. 94-1494 (E.D.N.Y.). This shareholder class action was brought in New York federal court alleging misrepresentations regarding various inventory and trade loading practices used to distort the timing of sales. This case was settled as part of a \$115 million settlement.

*In re Linerboard Antitrust Litigation*, MDL No. 1261 (E.D. Pa.). The class actions in this litigation were resolved with the recovery of more than \$202 million for the benefit of a class of businesses that purchased corrugated boxes and sheets.



## Other Representative Cases (cont.)

*In re Monosodium Glutamate Antitrust Litigation*, MDL No. 00-1328 (D. Minn.). Keller Rohrback represented the plaintiff class in this case in the United States District Court for the District of Minnesota. Over \$123 million was recovered for the benefit of a class of businesses which purchased food flavor enhancers from suppliers in the U.S., Japan, Korea, and Taiwan. Businesses that participated in the recovery received nearly 200% of the amounts they were overcharged.

*Rosted, et al. v. First USA Bank*, No. 97-1482 (W.D. Wash.). This class action was filed on behalf of owners of credit cards issued by First USA Bank who signed up for "introductory rate" credit cards that were subject to false and deceptive "repricing." A settlement in this class action resulted in an automatic repricing benefit of over \$50 million plus over \$36 million in benefits from other settlement-related offers.

*Salloway v. Malt-O-Meal Co.*, No. 27-98-008931 (Minn. Dist. Ct. 4th Cir.). This nationwide product liability class action arose out of a salmonella outbreak in the Malt-O-Meal plant in Northfield, Minnesota. It was brought on behalf of all people who became ill after eating cereal manufactured by Malt-O-Meal (under names such as "Toasty-Os"). A class settlement was granted final approval in this case filed in Hennepin County Court of Minnesota.

*In re Vitamins Antitrust Litigation*, MDL No. 1285 (D.D.C.). Keller Rohrback played an extensive role in trial preparation in this case, one of the largest and most successful antitrust cases in history. Chief Judge Thomas Hogan of the United States District Court for the District of Columbia certified two classes of businesses who directly purchased bulk vitamins and were overcharged as a result of a ten-year global price-fixing and market allocation conspiracy. Through settlement and verdict, recoveries were achieved, including four major settlements between certain vitamin defendants and class plaintiffs, including a landmark partial settlement of \$1.1 billion.



# KELLER·ROHRBACK<sup>L.L.P.</sup>

L A W O F F I C E S



## Lynn Lincoln Sarko

**Lynn Lincoln Sarko is a master strategist and litigator who leads Keller Rohrbach's nationally recognized Complex Litigation Group.** One of the nation's top attorneys in complex litigation, Lynn doesn't just help clients win – he helps them win what they want. Through smart, efficient strategy and tailored, creative problem solving, Lynn and his team accomplish the best outcomes while minimizing costs and maximizing value.

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**“Our litigation lawyers will write better briefs, make better arguments, and get our clients results in less time than our competitors. Our team's ability to quickly respond to clients' changing needs in litigation puts us a step above the rest.”**

### Practice Emphasis

- Antitrust and Trade Regulation
- Appeals
- Class Actions
- Constitutional Law
- Commodities and Futures Contracts
- Consumer Protection
- Employment Law
- Environmental Contamination
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Institutional Investors
- Intellectual Property
- International Law
- Mass Personal Injury
- Medical Negligence
- Securities
- Whistleblower

Lynn's diverse experience enables him to think outside the box to resolve complex cases. He regularly interacts with international business interests, representing sovereign nations and institutional clients seeking to recover investment losses caused by financial fraud and other malfeasance. He is currently involved in several matters involving complex derivatives and specialty investment products. Lynn is the driving force behind Keller Rohrbach's membership with the Sovereign Wealth Fund Institute, a global organization of leading asset managers and service providers engaged in the public investor community. He represents clients with regard to regulatory investigations and issues involving state and federal supervisory agencies and has litigated actions involving several of the nation's largest accounting and investment firms.

Lynn has led the firm's securities and retirement fund practice for over 25 years and regularly serves as lead counsel in multi-party individual and class action cases involving ERISA, antitrust, securities, breach of fiduciary duty, and other investment fraud issues. Other law firms often hire him as settlement counsel in these and other complex cases because of his reputation as a skilled negotiator. His successes in this area include multi-million dollar settlements in the *IKON*, *Anicom*, *Scientific-Atlanta*, *United Companies Financial Corp.*, and *Apple* securities fraud and derivative cases and the *Enron*, *WorldCom*, *Global Crossing*, *Health South*, *Delphi*, *Washington Mutual*, *Countrywide*, *Lucent*, *Merrill Lynch*, and *Xerox* consolidated pension and retirement plan cases.

Courts and professional organizations have honored Lynn for his work on financial and fiduciary duty cases and numerous other high profile public cases. After serving as trial counsel in the *Exxon Valdez* oil spill case, which resulted in a \$5 billion punitive damages verdict, Lynn was appointed by the court as Administrator for all funds recovered. He prosecuted the *Microsoft* civil antitrust case, *Vitamin* price-fixing cases, the *MDL Fen/Phen Diet Drug Litigation*, and notable public service lawsuits such as *Erickson v. Bartell Drug Co.*, establishing a woman's right to prescription contraceptive health coverage.

Prior to joining Keller Rohrbach, Lynn was the Assistant United States Attorney for the District of Columbia, Criminal Division, an associate at the Washington, D.C. office of Arnold & Porter, and law clerk to the Honorable Jerome Farris, United States Court of Appeals for the Ninth Circuit, in Seattle. He has been the managing partner of Keller Rohrbach L.L.P. since 1986. Lynn regularly appears in federal courts from coast to coast, maintaining an active national litigation practice.

# KELLER·ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES

### Education

University of Wisconsin - B.B.A., 1977

University of Wisconsin - M.B.A., 1978

University of Wisconsin - J.D., 1981,  
*Beta Alpha Psi, Order of the Coif*

### Bar & Court Admissions

1981, Wisconsin  
1981, U.S. District Court for the Western District of Wisconsin  
1982, U.S. Court of Appeals for the Ninth Circuit  
1983, District of Columbia  
1983, U.S. Court of Appeals for the District of Columbia Circuit  
1984, U.S. District Court for the District of Columbia  
1984, U.S. Court of Appeals for the Seventh Circuit  
1984, U.S. Court of Appeals for the Tenth Circuit  
1984, U.S. Court of Appeals for the Fourth Circuit  
1984, U.S. Supreme Court  
1985, U.S. Tax Court  
1986, Washington  
1986, U.S. District Court for the Eastern District of Washington  
1986, U.S. District Court for the Western District of Washington  
1986, U.S. Court of Appeals for the First Circuit  
1988, U.S. District Court for the Eastern District of Wisconsin  
1997, U.S. District Court for the District of Colorado  
1998, U.S. District Court for the District of Arizona  
2001, U.S. Court of Appeals for the Third Circuit  
2002, U.S. District Court for the District of Michigan  
2003, U.S. Court of Appeals for the Fifth Circuit  
2003, U.S. Court of Appeals for the Eleventh Circuit

### Representative Speaking Engagements

- ERISA and Fiduciary Litigation, Practising Law Institute
- Annual ERISA Litigation Conference
- Real Estate Mortgage Market Litigation
- ABA Winter Meeting Employee Benefits Committee
- Newest Plaintiffs' Liability Theories & Trends In Defense Pleadings/Motions, Advanced Forum on Complex Litigation
- The Joint Opening Session in Mediation, Advanced Mediation & Advocacy Skills Training
- Officer & Director Liability Corporate Directors Series
- More Enron/Worldcom Fallout: Corporate Officers On the Fiduciary Hook, Section of Business Law Annual Meeting
- The Essentials of Civil Settlement Strategies Seminar

### Honors & Awards

*Super Lawyers List, Washington Law & Politics*

*Avvo Top Tax Lawyer, Washington CEO Magazine*

Trial Lawyer of the Year

Salmon Dalberg Award

### Professional & Civic Involvement

American Bar Association, *Member*

Bar Association of The District of Columbia, *Member*

Federal Bar Association, *Member*

King County Bar Association, *Member*

State Bar of Wisconsin, *Member*

Trial Lawyers for Public Justice, *Member*

Washington State Bar Association, *Member*

Washington State Trial Lawyers Association, *Member*

American Association for Justice, *Member*

Social Venture Partners of Santa Barbara, *Founding Partner*

The Association of Trial Lawyers of America, *Member*

American Academy of Trial Counsel, *Fellow*

Editorial Board, *Washington State Securities Law Deskbook*

### Selected Publications

"Follow the Money: DOL Initiatives and Litigation," *Fiduciary Counselors Newsletter*, 2006

"Bank Holding Companies Enter a Forbidden Market," *Wisconsin Law Review*, 1981

# KELLER ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



### Laurie Ashton

**“Keller Rohrback lawyers are never afraid to think outside the box, which opens up numerous previously unseen pathways for our clients. It’s very exciting to be a part of that collective mindset.”**

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lashton@kellerrohrback.com

**Laurie Ashton is Of Counsel to Keller Rohrback.** She graduated in 1990 from Arizona State University College of Law, *Order of the Coif*, where she has twice returned as an Adjunct Professor to teach semester courses in Lawyering Theory and Practice and Advanced Business Reorganizations. Laurie served as a law clerk for the Honorable Charles G. Case, U.S. Bankruptcy Court, for the District of Arizona for two years.

### Practice Emphasis

- Business Reorganizations
- Class Actions
- Constitutional Law
- Employee Benefits and Retirement Security
- Fiduciary Breach
- International Law

### Education

**University of California, San Diego -**  
B.A., 1987, Economics

**Arizona State University College of Law - J.D., 1990, *Order of the Coif*;**  
Member, *Arizona State Law Journal*, 1988-1990; Note and Comment Editor, *Arizona State Law Journal*, 1989-1990; Student Instructor, Legal Research and Writing, 1989-1990.

In complex litigation, Laurie was the lead attorney for Keller Rohrback in a series of successful groundwater contamination suits brought against multiple international defendants and concerning chemical releases spanning over 60 years. She was also the lead attorney for Keller Rohrback in an ERISA class action suit on behalf of over 21,000 employees who lost a material percentage of their retirement assets at the hands of fiduciaries who maintained the investment of those assets in their own declining company stock—a case that was, at its time, amongst the largest of its kind in the nation. Laurie has led or been a member of the team leading numerous high profile business reorganizations, including a case in which the Court confirmed a reorganization plan over the strenuous objection of the international life insurance company’s feasibility expert, based on Laurie’s cross examination, as well as another case resulting in a tax advantaged roll up of over 50 syndicated limited partnerships into a REIT. In addition to the other areas of her practice, Laurie is currently focusing on the national and international legal implications of treaty breaches.

### Bar Admissions

1990, Arizona

1999, Colorado

2007, Washington, D.C.

Laurie has been active in the State Bar of Arizona, where she served on the Ethics Committee for six years. She was also the co-author of a textbook on limited liability companies and partnerships, published by West. She is admitted to practice in Arizona, Colorado and Washington, D.C., and currently serves as a trustee of the Santa Barbara Foundation, and as a director of the Global Justice Center in New York.

# KELLER·ROHRBACK<sup>L.L.P.</sup>

L A W O F F I C E S

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## Professional & Civic Involvement

King County CASA, *Volunteer*

State Bar of Arizona, *Member*

Colorado Bar Association, *Member*

Washington, D.C. Bar Association, *Member*

Adjunct Professor of Law, *Advanced Chapter 11*, Arizona State University, 1996.

Adjunct Professor of Law, *Lawyering Theory & Practice*, Arizona State University, 1997.

Committee on the Rules of Professional Conduct ("Ethics Committee"), State Bar of Arizona, *Member*, 1997-2003.

Santa Barbara Foundation, *Trustee*

Global Justice Center, *Director*

Nuclear Age Peace Foundation, *Director*

## Publications & Presentations

Author, Case Note, *Arizona Mortgage and Deed of Trust Anti-Deficiency Statutes: The Underlying Obligation on a Note Secured By Residential Real Property After Baker v. Gardner*, 21 Ariz. St. L.J. 465, 470 (1989).

Co-Author, *Arizona Legal Forms: Limited Liability Companies and Partnerships* (1996-2004).

Guest Lecturer, *Real Estate Transactions*, Harvard Law School, 1997, 1999, 2001-2002.

Guest Lecturer, *Real Estate Transactions*, Stanford Law School, 2003.



# KELLER ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



### James Bloom

**"I make sure my clients understand every step of the process."**

**James Bloom works tirelessly to provide his clients with the best possible legal representation.** As a member of Keller Rohrback's nationally recognized Complex Litigation Group, James has helped litigate numerous cases involving pension fund management, including *In re State Street Bank and Trust Co. ERISA Litigation* and *Alvidres v. Countrywide Financial Corp.*, which resulted in settlements of \$89.7 million and \$55 million on behalf of pension and 401(k) plan participants and beneficiaries. He also represents clients in commercial litigation, including contract disputes and corporate fiduciary matters. Prompt and forthright communication with his clients about their cases and a careful attention to detail are at the core of James's practice.

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Phoenix, AZ 85012  
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jbloom@kellerrohrback.com**

### Practice Emphasis

- Class Actions
- Commercial Litigation
- Employee Benefits and Retirement Security
- Fiduciary Breach

### Education

**Tulane University** - B.A., 2003, History and Philosophy

**Washington University in St. Louis School of Law** - J.D., 2008, *cum laude*; Executive Editor, *Washington University Law Review*

### Professional & Civic Involvement

State Bar of Arizona, *Member*

### Bar & Court Admissions

2008, Arizona

2009, U.S. District Court for the District of Arizona

### Publications & Presentations

James A. Bloom, *Plurality and Precedence: Judicial Reasoning, Lower Courts, and the Meaning of United States v. Winstar Corp.*, 85 Wash. U. L. Rev. 1373 (2008).

# KELLER·ROHRBACK<sup>L.L.P.</sup>

L A W O F F I C E S



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## Practice Emphasis

- Class Actions
- Consumer Protection
- Employment Law
- Environmental Contamination
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Mass Personal Injury
- Municipal Law
- Whistleblower

## Education

Dartmouth College - B.A., 1995, *magna cum laude*, Religion, Environmental Studies Certificate, Phi Beta Kappa

University of Washington School of Law - J.D., 1999, Executive Comments Editor, *Pacific Rim Law & Policy Journal*, 1998-1999

## Bar & Court Admissions

1999, Washington

2000, U.S. District Court for the Western District of Washington

2008, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Ninth Circuit

2009, U.S. Supreme Court

## Gretchen Freeman Cappio

**"Translating my clients' goals into a winning litigation strategy drives my practice."**

Gretchen Cappio is a problem-solver who employs creativity, ingenuity, and hard work. As a member of Keller Rohrback's nationally recognized Complex Litigation Group, Gretchen's diverse practice includes cutting-edge consumer, environmental protection, and fiduciary breach matters. She achieves meaningful results for her clients who have suffered personal, environmental, and financial losses at the hands of wrongdoers.

Gretchen is committed to protecting the rights of children and others in harm's way. She is experienced in litigating consumer cases, from misleading advertising to the distribution and sale of dangerous children's products. Her successes include *In re Mattel, Inc.*, a multidistrict case involving lead-contaminated and hazardous magnetic toys, and *Herfert, et al. v. Crayola LLC, et al.* involving allegedly misleadingly labeled children's products.

Gretchen also served on the ground-breaking Plaintiffs' counsel team in *Erickson v. Bartell Drug Co.*, in which the court ruled that an employer violated Title VII of the Civil Rights Act when its coverage failed to cover prescription contraceptives on an equal basis as other prescription drugs.

## Professional & Civic Involvement

The William L. Dwyer American Inn of Court, *Member*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

Washington Women Lawyers, *Member*

Washington State Trial Lawyer's Association, *Member*

American Association for Justice, *Member*

Mother Attorneys Mentoring Association (MAMAS), *Member*,  
*Founding Board Member*, 2006-2008

## Honors & Awards

Selected to Rising Stars list in *Super Lawyers - Washington*, 2002, 2009-2012

## Publications & Presentations

Gretchen Freeman Cappio, *Erosion of Indigenous Right to Negotiate in Australia*, 7 Pac. Rim L. & Pol'y J. 405 (1998).

Presenter, 20th Annual American Bar Association Tort Trial and Insurance Practice Section Spring CLE Meeting: Toxic Torts: Toxins In Everyday Products, Apr. 1, 2011.

Panelist, Chartis Security & Privacy Seminar, Oct. 20, 2011.

Presenter, Law Seminars International, Class Actions and Other Aggregate Litigation Seminar: Post-Certification Motion Issues in Class Actions, May 14, 2013.

# KELLER ROHRBACK<sup>L.L.P.</sup>

LAW OFFICES



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## Practice Emphasis

- Antitrust and Trade Regulation
- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Employment Law
- Fiduciary Breach
- Securities

## Bar & Court Admissions

1985, Arizona

1985, U.S. District Court for the District of Arizona

1986, U.S. Court of Appeals for the Ninth Circuit

1986, U.S. District Court for the Northern District of California

1990, Washington

1990, U.S. District Court for the Western District of Washington

1990, U.S. District Court for the Eastern District of Washington

2000, U.S. Supreme Court

2003, U.S. District Court for the District of Nebraska

2009, U.S. Court of Appeals for the Sixth Circuit

## T. David Copley

**"Law is a profession in which, at its best, we inspire each other. I believe in the professional values modeled by my mentors: integrity, a passion for helping others, humor, and creativity."**

**David Copley helps his clients understand their options.** David is a member of Keller Rohrback's nationally recognized Complex Litigation Group, where his practice is focused on class action and other complex litigation, including ERISA, employment, consumer protection and whistleblower cases. David takes a holistic approach to litigation, with particular attention to understanding his clients' goals, understanding their concerns, and developing an effective legal strategy to maximize positive outcomes. David is a skilled advocate, with extensive experience briefing and arguing motions, appearing before Courts of Appeal, and trying cases. He enjoys working in a team with other talented lawyers, where his experience and passion bring value to large, complex cases.

David's representative cases include a \$90 million settlement in *Ormond v. Anthem, Inc.* on behalf of plaintiffs who allegedly received inadequate cash compensation in connection with the demutualization of Anthem Insurance; ongoing representation of AutoZone store managers seeking unpaid overtime compensation; and multi-district Employee Retirement Income Security Act ("ERISA") litigation involving alleged financial fraud by Bank of New York Mellon Corp. related to foreign currency exchange transactions. He also worked on the Exxon Valdez Oil Spill Litigation, for which he was one of the lawyers named 1995 Trial Lawyer of the Year. Prior to joining Keller Rohrback in 1989, David practiced law in Phoenix, Arizona.

## Education

**University of Iowa** - B.A., with Honors and Distinction, 1981, Political Science and English, Phi Beta Kappa, Pi Sigma Alpha

**Northwestern University School of Law** - J.D., 1984, Coordinating Executive Editor, *Northwestern University Law Review*

## Professional & Civic Involvement

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

Washington State Trial Lawyers' Association, *Member*

Community Lunch on Capitol Hill, *Chair, Board of Directors* 2008-2013

Northwest Harvest, *Board of Directors* 2000-2009; *Chair, Board of Directors* 2005-2007

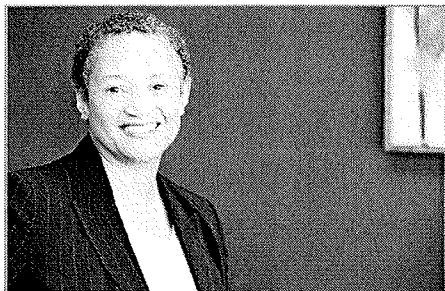
## Honors & Awards

Selected as a Trial Lawyer of the Year by Trial Lawyers for Public Justice, 1995



# KELLER ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



### Juli Farris

**Juli Farris's clients count on her high quality work to meet their legal needs.**

Juli practices in Keller Rohrback's nationally recognized Complex Litigation Group, where her practice focuses on banking and securities litigation at the trial and appellate levels and also includes antitrust, ERISA fraud and other areas of financial misconduct. Juli has more than 15 years of experience representing both plaintiffs and defendants in complex multi-party litigation involving allegations of securities and bank regulatory law violations, financial fraud and breach of fiduciary duty. She has represented officers and directors of active and failed financial institutions in investigations and litigation regarding bank regulatory matters.

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[jfarris@kellerrohrback.com](mailto:jfarris@kellerrohrback.com)

#### Practice Emphasis

- Antitrust and Trade Regulation
- Appeals
- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Securities
- Whistleblower

#### Education

**Stanford University** - B.A., 1982,  
 English

**Stanford Law School** - J.D., 1987, Notes  
 Editor, *Stanford Law Review*

#### Professional & Civic Involvement

King County Bar Association, *Member*

Loren Miller Bar Association, *Member*

Washington State Bar Association,  
*Member*

American Bar Association, *Member*

Washington State Association for  
 Justice, *Member*

American Bar Foundation, *Member*

Treehouse, *Member, Board of Directors*

Juli served as a judicial law clerk for Judge E. Grady Jolly of the U.S. Court of Appeals, Fifth Circuit. Prior to joining Keller Rohrback in 1991, she practiced law at the Washington, D.C. office of Sidley Austin, where her practice included the defense of individuals, as well as national and multi-national corporations, in litigation involving a wide array of subject matters, including antitrust, financial fraud, environmental law, and civil and criminal appeals.

#### Bar & Court Admissions

1988, Washington

1989, California

1990, District of Columbia

1995, U.S. District Court for the  
 Western District of Washington

1997, U.S. Court of Appeals for the  
 Ninth Circuit

1999, U.S. District Court for the Central  
 District of California

2000, U.S. District Court for the  
 Northern District of California

2001, U.S. District Court for the Eastern  
 District of California

2003, U.S. District Court for the  
 Southern District of California

2003, U.S. Court of Appeals for the Fifth  
 Circuit

2003, U.S. Court of Appeals for the  
 Eleventh Circuit

#### Publications & Presentations

Andrew D. Freeman & Juli E. Farris,  
*Grassroots Impact Litigation: Mass Filing*  
*of Small Claims*, 26 U.S.F.L. Rev. 261  
 (1992).

Editorial Board, *Washington State Securities Law Deskbook*

#### Honors & Awards

Selected to Rising Stars list in *Super Lawyers - Washington*, 1991



# KELLER·ROHRBACK<sup>L.L.P.</sup>

LAW OFFICES



## Alison Gaffney

**"I carefully assess facts and law to build the best cases for my clients."**

**Alison Gaffney leaves no stone unturned.** A member of Keller Rohrback's nationally recognized Complex Litigation Group, Alison is a thorough researcher who stays on top of the latest legal developments in class action litigation. During law school, Alison represented clients in deportation proceedings through the Immigration Law Clinic and as an intern with the Northwest Immigrant Rights Project, where she continues to volunteer. She also served as a research assistant to Professor Mary D. Fan and interned with the Seattle Immigration Court. Prior to law school, Alison worked and studied in China, Cuba, England, Greece, and Guatemala.

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(206) 623-1900  
agaffney@kellerrohrback.com**

### Practice Emphasis

- Class Actions
- Employee Benefits and Retirement Security
- Fiduciary Breach

### Education

**Swarthmore College** - B.A., 2002,  
Linguistics and Languages (Spanish &  
Mandarin Chinese); McCabe Scholar

**University of California, San Diego**  
- M.A., 2007, Latin American Studies  
(International Migration)

**University of Washington School of  
Law** - J.D., 2012

### Professional & Civic Involvement

King County Bar Association, *Member*

Washington State Bar Association,  
*Member*

Mother Attorneys Mentoring  
Association of Seattle (MAMAS),  
*Member*

Northwest Immigrant Rights Project,  
*Pro Bono Attorney*

### Bar & Court Admissions

2012, Washington

2013, U.S. District Court for the  
Western District of Washington

2013, U.S. Court of Appeals for the  
Second Circuit

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L A W O F F I C E S



## Laura Gerber

**"I help my clients evaluate their options and, if litigation is the best route, guide them through each step of the process."**

**Laura Gerber is a strong advocate for her clients.** Laura practices in Keller Rohrbach's Complex Litigation Group where she handles a variety of cases in federal courts across the United States. She maintains excellent relationships with her clients, who trust her to keep them informed and to diligently pursue their interests in litigation against powerful defendants.

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lgerber@kellerrohrback.com**

### Practice Emphasis

- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Institutional Investors

### Education

**Goshen College** – B.A., 1994, History, Economics

**University of Washington School of Law** – J.D., 2003

**Evans School of Public Affairs,  
University of Washington** – M.P.A., 2003

### Honors & Awards

Selected to Rising Stars list in *Super Lawyers* - Washington, 2009, 2013

Laura has a diverse practice with a focus on holding banks and other institutions accountable to their clients and employees. She has experience litigating mutual fund excessive fees cases, Ponzi scheme cases, breaches of fiduciary duty violating the Employee Retirement Income Security Act ("ERISA"), and consumer protection class actions. Laura's strategic persistence in complex cases has led to impressive results. Her current representative matters include an ERISA case against State Street Bank & Trust Co. involving foreign currency trading, and several cases against Northern Trust Investments, N.A. for fiduciary breach related to securities lending, as well as a case against Catholic Health Initiatives for violations of federal ERISA pension law in management of its employees' pension plan.

While in law school, Laura also received a Masters degree in Public Administration, and was a member of the Moot Court Honor Board.

### Bar & Court Admissions

2004, Washington

2006, U.S. District Court for the Eastern District of Washington

2006, U.S. District Court for the Western District of Washington

### Professional & Civic Involvement

Washington State Bar Association, *Member*

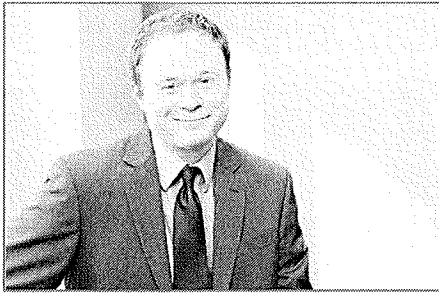
King County Bar Association, *Member*,  
Pro Bono Attorney

Washington Appleseed, *Board Member*

Northwest Immigrant Rights Project,  
*Pro bono Attorney*, 2004

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L A W O F F I C E S



## Matthew Gerend

**"I want to help improve people's lives by holding wrongdoers accountable."**

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mgerend@kellerrohrback.com

### Practice Emphasis

- Class Actions
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Securities

**Matthew Gerend knows the importance of the security of your retirement.** As a member of the firm's nationally recognized Complex Litigation Group, Matt protects the interests of retirees by helping his clients understand complex retirement plans and holding accountable retirement plan fiduciaries. Matt became interested in the laws protecting retirement and pension benefits when he clerked with AARP Foundation Litigation during law school, where he helped draft numerous *amicus curiae* briefs filed in the Supreme Court of the United States and the Courts of Appeals for the Second and Seventh Circuits on issues related to retirement security and investor protection. He also worked as an intern with the Community Development Project at the Lawyers' Committee for Civil Rights Under Law. Matt believes that lawyers have a unique ability to effect social change, an ethic he is guided by in his work representing individuals and investors against those engaged in divisive and fraudulent practices.

### Education

**University of Wisconsin** – B.A., with distinction, 2005, Political Science, Phi Beta Kappa

**Georgetown University Law Center** – J.D., cum laude, 2010; Executive Articles Editor, *Georgetown Journal on Poverty Law and Policy*

### Professional & Civic Involvement

Washington State Bar Association,  
Member

### Bar & Court Admissions

2010, Washington

2011, U.S. District Court for the Western District of Washington

2013, U.S. District Court for the Eastern District of Michigan

# KELLER ROHRBACK<sup>L.L.P.</sup>

LAW OFFICES



## Gary Gotto

**Gary Gotto's diverse experience helps him meet his clients' diverse needs.** Gary is a member of Keller Rohrback's nationally-recognized Complex Litigation Group. He has a broad range of practice experience and interests, including all aspects of corporate and real estate transactional work, securities issuance and compliance, Chapter 11 bankruptcy and workout matters, and general commercial and ERISA litigation. Gary speaks and teaches regularly on a number of topics, including an annual real estate bankruptcy case study presented at the Harvard Law School. He has practiced in Phoenix since 1982.

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ggotto@kellerrohrback.com

### Practice Emphasis

- Class Actions
- Commercial Litigation
- Debtor-Creditor
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Institutional Investors
- Real Estate
- Securities

### Education

**University of Pennsylvania** - B.A., *cum laude*, 1976

**Arizona State University College of Law** - J.D., *summa cum laude*, 1982,  
Order of the Coif

### Bar & Court Admissions

1982, Arizona

1982, U.S. District Court for the District  
of Arizona

2005, U.S. Court of Appeals for the  
Second Circuit

### Professional & Civic Involvement

State Bar of Arizona, *Member; Chair*, Subcommittee on Revising the Limited Partnership Act, Business Law Section, 1991

Adjunct Professor of Law, Arizona State University College of Law, 1989

### Publications & Presentations

Co-Author, Arizona Legal Forms: *Limited Liability Companies and Partnerships* (1996-2002).

Co-Author, *Limited Liability Companies and Partnerships* (1996-1997).

Guest Lecturer, *Chapter 11 Reorganizations*; Harvard Law School, 1996-1997, 1999, 2001, 2002; Stanford Law School, 2003.

Speaker, National Business Institutes: *Negotiating and Drafting Acquisition Agreements in Arizona*, 1997; *Choice of Business Entity in Arizona*, 1996; *Limited Liability Companies*, 1994; *Arizona Limited Liability Company Legislation*, 1993.

Speaker, Professional Education Systems, Inc., *Non-Corporate Business Forms*, 1994.

Speaker, State Bar of Arizona, *Limited Liability Companies*, 1994.



# KELLER·ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



### Benjamin Gould

**“As soon as I meet with a client, I begin to think of a persuasive way to communicate their case.”**

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**Seattle, WA 98101-3052**  
(206) 623-1900  
bgould@kellerrohrback.com

#### Practice Emphasis

- Appeals
- Class Actions
- Constitutional Law
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Institutional Investors
- Securities

#### Education

**Yale University** - B.A., *summa cum laude*, 2002, English, Phi Beta Kappa

**Yale Law School** - J.D., 2006, Editor, *Yale Law Journal*, Editor-in-Chief, *Yale Journal of Law and the Humanities*

#### Professional & Civic Involvement

King County Bar Association, *Member*, Appellate Law Section

Washington State Bar Association, *Member*

Washington State Association for Justice, *Member*

#### Honors & Awards

Selected to Rising Stars list in *Super Lawyers* - Washington, 2013

\*Recipient of the 2010 Burton Award for Legal Achievement

**Benjamin Gould makes the law work for you.** Ben, a Seattle native, practices in Keller Rohrback's nationally recognized Complex Litigation Group. His ability to clearly and efficiently communicate factual and legal issues to his clients and the courts allows him to adeptly serve the interest of clients who have been harmed by others' conduct.

Ben has extensive experience in appellate litigation and has active appeals pending in state and federal courts throughout the nation. His successes include an 8th Circuit ruling in *Braden v. Wal-Mart Stores, Inc.* upholding a complaint alleging excessive fees charged to 401(k) plan participants and a 2012 Texas Supreme Court opinion holding that a class of indigent criminal defendants had standing to challenge the constitutionality of certain pretrial procedures.

Before joining the firm, Ben worked as a Legal Fellow of the ACLU Drug Law Reform Project, litigating cases related to drug policy and civil rights. He has also served as a clerk to two federal appellate judges: the Honorable Betty B. Fletcher of the U.S. Court of Appeals for the Ninth Circuit and the Honorable Diana E. Murphy of the U.S. Court of Appeals for the Eighth Circuit.

#### Bar & Court Admissions

2007, California

2010, District of Columbia

2010, U.S. Court of Appeals for the Ninth Circuit

2011, Washington

2011, U.S. District Court for the Western District of Washington

2012, U.S. District Court for the Eastern District of Washington

2012, U.S. Court of Appeals for the Third Circuit

2013, U.S. Court of Appeals for the Second Circuit

#### Publications & Presentations

Derek W. Loeser & Benjamin Gould, *Point/Counterpoint: Is Rule 23(b)(1) Still Applicable to ERISA Class Actions?*, ERISA Compliance and Enforcement Library of the Bureau of National Affairs, Inc. (May 1, 2009).

Derek W. Loeser & Benjamin Gould, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, Pension & Benefits Reporter, Bureau of National Affairs, Inc. (Sept. 1, 2009).\*

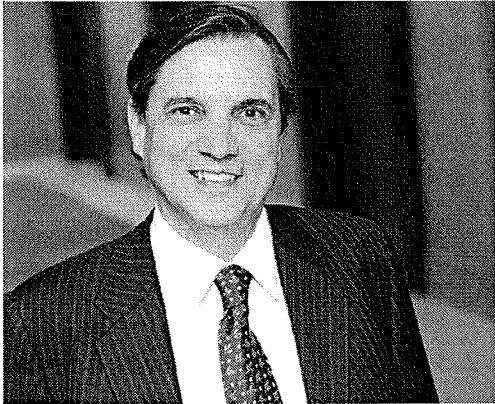
Derek W. Loeser, Erin M. Riley & Benjamin Gould, *2010 ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, Pensions & Benefits Daily, Bureau of National Affairs, Inc. (Jan. 28, 2011).

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1-800-776-6044 | info@kellerrohrback.com | www.krcomplexlit.com

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L A W O F F I C E S



## Christopher Graver

Chris is a member of Keller Rohrbach's Complex Litigation and Bankruptcy Groups, representing debtors, creditors, Court-appointed committees, and asset purchasers in Chapter 11 reorganization proceedings and out-of-court workouts. Chris also has wide-ranging experience in complex commercial litigation from corporate reorganizations to matters of breach of fiduciary duty, commercial real estate, contracts, patent infringement, and environmental insurance coverage. Together with colleagues he has represented clients as diverse as the committee of victims of clergy sexual abuse in the Chapter 11 reorganization of a Catholic diocese, a developer restructuring a portfolio of real property interests nationwide, and a national company acquiring a competitor's assets in a bankruptcy-court-approved sale in California.

A graduate of the great books liberal arts program at St. Johns' College in Santa Fe, Chris earned his law degree from the University of New Mexico Law School magna cum laude in 1990. While his practice is centered in the Southwest, Chris represents clients in federal courts coast to coast.

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(602)248-0088  
cgraver@kellerrohrback.com

## Practice Emphasis

- Business Litigation
- Bankruptcy and Creditors' Rights

## Education

St. John's College - B.A., 1976

University of New Mexico - J.D., *magna cum laude*, 1990, Order of the Coif

## Bar & Court Admissions

Arizona, 1990

United States Bankruptcy Appellate Panel of the Ninth Circuit

United States Court of Appeals for the Ninth Circuit

United States District Court for the District of Arizona, 1990

## Professional & Civic Involvement

American Bankruptcy Institute, *Member*

Arizona State Bar Association, *Member*

Maricopa County Bar Association, *Member*

## Selected Publications & Presentations

"Confirming the Catholics: The Diocese of Tucson Experience, Norton Bankruptcy Law Advisor," 2005.

"Representing the Tort Claimants' Committee in the Chapter 11 Case Filed by the Roman Catholic Diocese of Tucson, prepared for the National Conference of Bankruptcy Judges," 2005.

"Decoding the Code," *AzBusiness Magazine*, 2005.

Speaker, Maricopa County Bar Association presentation, *New Bankruptcy Code: Changing the Way Creditors are Treated*, 2006.

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LAW OFFICES



## Amy Hanson

**"I am skilled at showing parties when they have a shared interest in changing harmful practices that prioritize short-term profits over long-term relationships and reputations."**

**1201 3rd Avenue, Suite 3200  
Seattle, WA 98101-3052  
(206) 623-1900  
ahanson@kellerrohrback.com**

### Practice Emphasis

- Antitrust and Trade Regulation
- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Mass Personal Injury

### Education

**University of Minnesota** - B.A., *summa cum laude*, 1995, Economics and Political Science

**University of Wisconsin Law School** - J.D., 1998

**Amy Hanson helps her clients work past disputes so they can refocus on personal and business goals.** As a member of Keller Rohrbach's nationally recognized Complex Litigation Group, Amy's practice is focused on class action and other complex litigation, including antitrust, dangerous pharmaceuticals, and ERISA cases. Amy is a practical problem-solver who enjoys rolling up her sleeves to obtain evidence and achieve solutions. She became interested in complex litigation because she wanted to help level the playing field for hard-working people and small businesses that were similarly harmed by large businesses and groups of businesses acting together. In her more than 15 years as a litigator Amy has represented patients who experienced serious medical problems after consuming prescription drugs, small business owners challenging alleged nationwide price-fixing conspiracies, and certified classes of employees challenging the prudence of allowing their employers' 401(k) plans to hold and acquire company stock. She has helped achieve settlements in the millions and billions of dollars.

Prior to joining Keller Rohrbach, Amy was a Student Advocate at the University of Wisconsin Law School's Consumer Litigation Clinic and a judicial law clerk intern for Judge Deininger at the State of Wisconsin Court of Appeals. She is currently honored to serve on the Vioxx Consumer Purchase Claims Subcommittee of the Plaintiffs' Steering Committee in *In re: Vioxx Prods. Liab. Litig.*, MDL No. 1657 (E.D. La.) and the WSAJ Consumer Protection Section Deskbook Editorial Board.

### Bar & Court Admissions

1998, Wisconsin  
1998, Washington  
1998, U.S. District Court for the Western District of Washington  
2000, U.S. District Court for the Eastern District of Washington  
2003, U.S. Court of Appeals for the Ninth Circuit  
2005, U.S. District Court for the Eastern District of Michigan

### Professional & Civic Involvement

King County Bar Association, *Member*  
Washington State Bar Association, *Member*  
American Bar Association, *Member*  
American Association for Justice, *Member*

### Publications & Presentations

Co-author, Handbook for Washington Seniors: Legal Rights and Resources, Legal Voice (Oct. 15, 2012). Available at [nwwlc.ejoinme.org/MyPages/HandbookOrderform/tabid/399633/Default.aspx#](http://nwwlc.ejoinme.org/MyPages/HandbookOrderform/tabid/399633/Default.aspx#)!



# KELLER ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



1129 State Street, Suite 8  
Santa Barbara, CA 93101  
(805) 456-1496  
kkarmand@kellerrohrback.com

### Practice Emphasis

- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Mass Personal Injury
- Securities

### Education

University of California, Riverside -  
B.A., *cum laude*, History and Political  
Science, 2007

University of California, Hastings  
College of the Law - J.D., 2011

### Kash Karmand

**"By identifying and focusing on the key facts and issues at an early stage of the litigation, I am able to provide clients with a strategic advantage to obtain a favorable resolution in the case."**

**Kash Karmand's practice focuses on the representation of clients in class action and multi-district litigation.** Kash practices in Keller Rohrback's California office and is a member of the firm's nationally recognized Complex Litigation Group.

Kash's litigation experience includes consumer, retirement plan, securities, and financial services litigation. He has significant experience with motions practice and briefing in complex cases. For example, he drafted the motion for class certification and several oppositions to motions for summary judgment in a recent multi-district litigation case involving claims for breach of contract and violations of state consumer protection laws.

During law school, Kash was a law clerk to California's Chief Assistant Attorney General David Chaney and an extern to the Honorable Maria-Elena James in the U.S. District Court for the Northern District of California. He also worked in the legal department of a Fortune 200 company where he handled high-stakes business and employment disputes, and represented low-income clients in disability benefits and wage-and-hour cases in the UC Hastings Civil Justice Clinic.

### Bar & Court Admissions

2011, California

2013, Minnesota

2013, U.S. District Court for the  
Central District of California

2013, U.S. District Court for the  
Northern District of California

2013, U.S. District Court for the  
Eastern District of California

2013, U.S. District Court for the  
Southern District of California

2014, District of Columbia

### Professional & Civic Involvement

State Bar of California, *Member*

California Minority Counsel Program,  
*Member*

Los Angeles County Bar Association,  
*Member*

Bar of the State of Minnesota, *Member*

District of Columbia Bar, *Member*



# KELLER ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



### Ron Kilgard

*"In practicing law, whether with clients, opposing counsel, or the Court, and in life generally, I try to keep mind, as William James said, that other people have insides of their own."*

**Ron Kilgard is a seasoned lawyer who understands that yesterday's rule changes are just as important as the landmark cases decided decades ago.** Ron has thirty-five years of experience in civil litigation. He knows that the substantive law changes slowly (at least most of the time!), but that the relevant rules and judges' individual practices change almost daily. And they vary enormously from jurisdiction to jurisdiction and judge to judge. Balancing all this – the past and the present – is, for Ron, one of the many challenges and pleasures of law practice.

**3101 North Central Avenue, Ste. 1400  
Phoenix, AZ 85012  
(602) 248-0088  
rkilgard@kellerrohrback.com**

### Practice Emphasis

- Appeals
- Class Actions
- Constitutional Law
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Private Judge & Special Master

### Education

**Harvard College** - B.A., *cum laude*, 1973, History

**Harvard Divinity School** - M.T.S., 1975, Old Testament

**Arizona State University College of Law** - J.D., *magna cum laude*, 1979, Editor-in Chief, *Arizona State Law Journal*, Armstrong Award (outstanding graduate)

### Honors & Awards

Best Lawyers in America (19th ed.) – ERISA practice

### Professional & Civic Involvement

State Bar of Arizona, *Member*

District of Columbia Bar, *Member*

New York State Bar Association, *Member*

Ron's practice is focused primarily on commercial and financial matters. For the last 15 years, he has extensively litigated pension plan class actions, involving both plans regulated by the Employee Retirement Income Security Act ("ERISA") and non-ERISA plans such as public plans and so-called "church plans." Ron helped Keller Rohrback pioneer company stock ERISA litigation in the late 1990's and early 2000's. More recently, Ron was part of the team that obtained settlements of over \$265 million (in cash) in the Enron 401(k) litigation. In 2012, Ron was selected for inclusion in Best Lawyers in America (19th ed.) for ERISA practice. Ron is currently class counsel in a case on behalf of all sitting state court, general jurisdiction, judges in Arizona, *Hall v. Elected Officials' Retirement Plan*.

Ron is a Phoenix native. He began law practice with Martori, Meyer, Hendricks & Victor, P.A., clerked for the Hon. Mary M. Schroeder, U. S. Court of Appeals for the Ninth Circuit, and in 1995 was one of the founders of Dalton Gotto Samson & Kilgard, P.L.C. – Martori Meyer lawyers who left to do plaintiffs' work on their own in a small firm environment. He joined most of the Dalton Gotto lawyers in forming the Phoenix affiliate of Keller Rohrback L.L.P. in November 2002.

### Bar & Court Admissions

1979, Arizona

2009, District of Columbia

2011, New York

1979, U.S. District Court for the District of Arizona

1982, U.S. Court of Appeals for the Ninth Circuit

1995, U.S. Supreme Court

2005, U.S. Court of Appeals for the Second Circuit

2005, U.S. Court of Appeals for the Fifth Circuit

2006, U.S. Court of Appeals for the Eleventh Circuit

2007, U.S. District Court for the Eastern District of Michigan

2010, U.S. District Court for the District of North Dakota

2012, U.S. District Court for the Southern District of New York

# KELLER·ROHRBACK<sup>L.L.P.</sup>

L A W O F F I C E S

## Publications & Presentations

- Author, Client Newsletter, Arbitration vs. the “Expensive Endless Law,” 1991
- Speaker, Arthur Andersen Seminar on Intellectual Property, *Restrictive Covenants and Trade Secrets*, 1992
- Speaker, Viasoft Annual Meeting, *Wrongful Termination Law*, 1992
- Author, Client Newsletter, Alter Ego et in Arcadia Ego, 1992
- Author, Client Newsletter, Interest and the St. Crispin’s Day Speech, 1992
- Author, Client Newsletter, Suing The Other Side’s Lawyer, 1992
- Author, Client Newsletter, The Twilight of Arizona RICO and the March of the Ten Thousand, 1993
- Author, Client Newsletter, Why Some Statutes Age Well, 1993
- Chairman, MCBA Seminar on Attorney Fees, 1994
- Speaker, MCBA Seminar on Guaranties, 1994
- Author, Client Newsletter, Commenting on the Evidence and the Trial of Richard Savage, 1994
- Author, Client Newsletter, Do Emma Wodehouse and Bathsheba Everdene Need the Protection of the Community Property Laws?, 1994
- Author, *Recent Developments in the Law of Guaranties*, ARIZ. ATTY., 1995
- Author, *Lord Jim Faces Up to the Employee Retirement Income Security Act of 1974*, ARIZ. ATTY., 1995
- Speaker, Supreme Court Update, 1995-2000
- Author, Client Newsletter, Arizona Punitive Damages and Senator Sumner’s Speech Against the Kansas-Nebraska Act, 1996
- Author, Client Newsletter, Arizona Special Action Practice and “the Merit of the Common Law,” 1996
- Author, Client Newsletter, Community Property Traps for the Unwary and Spenser’s Epithalamion, 1996
- Author, Client Newsletter, The Dark Satanic Mills and the Law of Workers’ Compensation, 1996
- Author, Client Newsletter, Death and Duty on the Party Train, 1996
- Author, Client Newsletter, Departing Employees, Non-Competition Agreements, and Ludwig Wittgenstein, 1996
- Author, Client Newsletter, E.F. Hutton in the Cave of Despair, 1996
- Author, Client Newsletter, *Jane Eyre* and the Palimony Cases, 1996
- Author, Client Newsletter, Legal Ethics and Real Ethics, 1996
- Author, Client Newsletter, Mandatory Disclosure and Planetary Astronomy, 1996
- Author, Client Newsletter, Pudd’nhead Wilson Sizes Up the Dog Bite Cases, 1996
- Author, Client Newsletter, State and Federal Court in Arizona and What William James Said About the “Tough-Minded” and the “Tender-Minded,” 1996
- Author, Client Newsletter, Why Some Cases Age Well, 1996
- Author, Client Newsletter, Mistake in the Law of Contracts and in Translation, 1997
- Speaker, State Bar Seminar on Motor Vehicle Accidents, *Multiple Tortfeasors Issues*, 1998
- Author, *Cleaning Up After Multiple Tortfeasors*, ARIZ. ATTY., 1999
- Speaker, Judicial Education Day, 1999
- Speaker, Federal Bar Association, *Multiple Tortfeasors*, 2000
- Speaker, New Judge Orientation, 2000-2002
- Speaker, Arizona Attorney General’s Office Seminar of Expert Witnesses, 2001
- Speaker, Arizona Judicial Conference Seminar on Law and Literature, 2001
- Speaker, Maricopa County Superior Court Seminar, *Multiple Tortfeasors*, 2003
- Speaker, MCBA Seminar on Punitive Damages After *Campbell*, 2003
- Speaker, Arizona Attorney General’s Office Seminar, *Legal Problem Solving*, 2004
- Speaker, ABA Seminar, *After Enron*, 2006
- Speaker, Chicago Bar Association, *Company Stock Litigation*, 2006
- Speaker, Arizona Trial Lawyers Association, *Communications with Witnesses*, 2006
- Speaker, West LegalWorks ERISA Litigation Conference, 2007
- Speaker, National Center for Employee Ownership, *Fiduciary Implications of Company Stock Lawsuits*, 2012
- Speaker, National Center for Employee Ownership, *Fiduciary Implications of Company Stock Lawsuits*, 2013

# KELLER·ROHRBACK<sup>L.L.P.</sup>

L A W O F F I C E S



## David Ko

**"I help my clients make informed decisions about their cases."**

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Seattle, WA 98101-3052**  
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dko@kellerrohrback.com

### Practice Emphasis

- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Securities

**David Ko holds wrongdoers accountable.** David practices in the firm's nationally recognized Complex Litigation Group, where he represents individuals, retirement plans, and institutional investors in federal and state courts across the country. David has experience litigating cases against corporate defendants for consumer protection violations, investment mismanagement, breaches of fiduciary duty under the Employee Retirement Income Security Act of 1974 (ERISA), and general corporate malfeasance. He has made substantial contributions to multi-million dollar settlements including those against Fremont General Corp., Intelius, Inc., Sitrick and Co., and Tharaldson Motels, Inc.

Prior to joining the firm, David completed a two year clerkship for the Honorable Ricardo S. Martinez, U.S. District Judge in the Western District of Washington.

David is immediate past President of the Korean American Bar Association of Washington and coordinates KABA's pro bono clinic. He is also a 2014 Fellow of the Washington Leadership Institute.

### Bar & Court Admissions

2006, Washington  
2010, U.S. District Court for the Western District of Washington  
2010, U.S. District Court for North Dakota  
2011, U.S. Court of Appeals for the Ninth Circuit

### Professional & Civic Involvement

Washington State Bar Association, *Member*  
King County Bar Association, *Member*  
Korean American Bar Association, *Board Member*  
Asian American Bar Association, *Member*

### Education

**University of Washington** - B.A., 2002, History and Political Science  
**Seattle University School of Law** - J.D., *cum laude*, 2006; National Order of the Barristers  
**University of Washington School of Law** - LL.M., 2007, Taxation



# KELLER ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



### Cari Campen Laufenberg

**"I am proud to be part of a dynamic team that is willing to take calculated risks and envision innovative solutions for our clients."**

**Cari Laufenberg keeps client goals in focus.** As a member of Keller Rohrback's nationally recognized Complex Litigation Group, Cari is involved in representing plaintiffs in federal courts across the United States. She represents individuals and institutions in class action litigation involving breach of fiduciary duty, investment fraud and mismanagement, retirement plan litigation and consumer protection. Cari's background in nonprofit management and public administration makes her skilled at organizing and strategizing complex cases to achieve short-term goals and long-term successes.

Cari has litigated fiduciary breach issues for 10 years and has played a key role in many of the firm's large and complex fiduciary breach cases, including a \$90 million settlement against Anthem Inc. in a case alleging fiduciary breach related to Anthem Insurance's demutualization of membership interests. Cari has also successfully litigated alleged violations of the Employee Retirement Income Security Act ("ERISA"), with multi-million dollar settlements against companies including Countrywide Financial Corp., Marsh & McLennan Companies, Inc., and Williams Companies, Inc.

Prior to joining Keller Rohrback in 2003, Cari served as a judicial extern for Judge Barbara Jacobs Rothstein of the U.S. District Court for the Western District of Washington.

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### Practice Emphasis

- Antitrust and Trade Regulation
- Appeals
- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services

### Education

**University of California, San Diego -**  
B.A., 1993, Art History

**University of Washington -** M.A., 1998,  
Public Administration

**University of Washington School of**  
Law - J.D., 2003

### Bar & Court Admissions

2003, Washington

2004, U.S. District Court for the  
Western District of Washington

2006, U.S. District Court for the Eastern  
District of Michigan

2006, U.S. Court of Appeals for the  
Eleventh Circuit

2011, U.S. Court of Appeals for the  
Seventh Circuit

2013, U.S. Court of Appeals for the  
Eighth Circuit

### Professional & Civic Involvement

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

King County Washington Women Lawyers, *Member; Member of the Board of Directors*  
(2003-2005)

Washington Women Lawyers, *Member*

William L. Dwyer Inn of Court, *Founding Student Member* (2002-2003)

Federal Bar Association, *Member*

American Association for Justice, *Member*

Washington State Association for Justice, *Member*

Northwest Immigrant Rights Project, *Volunteer Attorney*

### Honors & Awards

Selected to Rising Stars list in *Super Lawyers - Washington*, 2008-2009, 2011

King County Washington Women Lawyers Chapter Member of the Year, 2005



# KELLER·ROHRBACK<sup>L.L.P.</sup>

L A W O F F I C E S



## Michael Licata

**"I enjoy developing creative strategies to ensure maximum results for my clients."**

**Michael Licata is a problem solver.** Mike is a member of Keller Rohrbach's nationally recognized Complex Litigation Group. His relentless focus, creativity, and attention to detail allow him to provide his clients high-quality and dynamic representation.

Mike has experience litigating cases involving securities fraud, consumer protection claims, intellectual property infringement, and violations under federal labor laws.

Before joining the firm, Mike served as a law clerk in the Trial Unit of the U.S. Securities and Exchange Commission's Enforcement Division, where he worked on behalf of investors in litigation involving accounting fraud, Ponzi schemes, and other violations of the Securities and Exchange Acts. Mike also worked as a Legislative Policy extern for the ACLU of Washington.

**1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052**  
(206) 623-1900  
mlicata@kellerrohrback.com

### Practice Emphasis

- Class Actions
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Intellectual Property
- Securities

### Education

**University of Puget Sound** – B.A.,  
International Political Economy

**University of Washington School of Law** – J.D., 2011

### Professional & Civic Involvement

Federal Bar Association, *Member*

Washington State Bar Association,  
*Member*

American Bar Association, *Member*

### Bar & Court Admissions

Washington, 2011

U.S. District Court for the Western  
District of Washington, 2013

U.S. Court of Appeals for the Eleventh  
Circuit, 2013

# KELLER·ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



**1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
(206) 623-1900  
dloeser@kellerrohrback.com**

### Practice Emphasis

- Appeals
- Class Actions
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Institutional Investors
- Securities

### Education

**Middlebury College** - B.A., *summa cum laude*, 1989, American Literature (highest departmental honors), Stolley-Ryan American Literature Prize, Phi Beta Kappa

**University of Washington School of Law** - J.D., *with honors*, 1994

### Professional & Civic Involvement

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member; Employment Benefits Committee Member; Labor & Employment Law Section Member*

National Employment Lawyers Association, *Member*

American Civil Liberties Union of Washington, *Cooperating counsel*

### Derek Loeser

**"We win by being more persuasive. It's a simple formula that combines our strengths - outstanding writing and courtroom skill, together with passion and integrity."**

Derek Loeser is a senior member of Keller Rohrback's nationally recognized Complex Litigation Group and a member of the firm's Executive Committee. He maintains a national practice prosecuting individual and class action securities, Employee Retirement Income Security Act ("ERISA"), breach of fiduciary duty and investment mismanagement cases.

Derek has been working in plaintiffs' litigation for over twenty years. Through all stages of litigation, including trial, he has helped recover hundreds of millions of dollars for institutions, retirement plans, retirees, and employees. Notable cases include mortgage-backed securities cases on behalf of the Federal Home Loan Banks of Chicago, Indianapolis and Boston, and ERISA class cases representing employees in cases against Enron, WorldCom, Countrywide, and Washington Mutual. Derek regularly serves as lead counsel in large scale fraud and mismanagement cases for both institutional and individual clients. Recent successes include the decision following an eight week bench trial in New York in which the court found that the trustee "acted unreasonably or beyond the bounds of reasonable judgment" by releasing claims potentially worth billions of dollars "without investigating their potential worth or strength."

Before joining Keller Rohrback, Derek served as a law clerk for the Honorable Michael R. Hogan, U.S. District Court for the District of Oregon, and was a trial attorney in the Employment Litigation Section of the Civil Rights Division of the U.S. Department of Justice in Washington, D.C., where he prosecuted individual and class action employment discrimination cases. He is a frequent speaker at national conferences on class actions, ERISA and other litigation topics.

### Honors & Awards

U.S. Department of Justice Honors Program Hire, 1994

U.S. Department of Justice Award for Public Service, 1996

U.S. Department of Justice Achievement Award, 1996

Selected to Rising Stars list in Super Lawyers - Washington, 2005-2007

Selected to Super Lawyers list in Super Lawyers - Washington, 2007-2012, 2014

Recipient of the 2010 Burton Award for Legal Achievement for the article, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, Pension & Benefits Reporter, Bureau of National Affairs, Inc. (Sept. 1, 2009).

# KELLER·ROHRBACK<sup>L.L.P.</sup>

L A W O F F I C E S

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## Bar & Court Admissions

1994, Washington

1997, U.S. District Court for the Western District of Washington

1997, U.S. District Court for the Eastern District of Washington

1997, U.S. Court of Appeals for the Ninth Circuit

2002, U.S. District Court for the Eastern District of Michigan

2004, U.S. District Court for the Northern District of Illinois

2007, U.S. Court of Appeals for the Second Circuit

2009, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Eleventh Circuit

2010, U.S. Court of Appeals for the Fourth Circuit

2012, U.S. Court of Appeals for the Third Circuit

## Publications & Presentations

Derek W. Loeser, Erin M. Riley & Benjamin B. Gould, *2010 ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, Pension & Benefits Daily, Bureau of National Affairs, Inc. (Jan. 28, 2011).

Speaker, *Post-Certification: Motion Issues in Class Actions*, Litigating Class Actions, Seattle, WA, 2012.

Speaker, *Investment Litigation: Fees & Investments in Defined Contribution Plans*, ERISA Litigation, Washington, D.C., 2012.

Derek W. Loeser & Benjamin B. Gould, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, Pension & Benefits Reporter, Bureau of National Affairs, Inc. (Sept. 1, 2009).

Derek W. Loeser & Erin M. Riley, *The Case Against the Presumption of Prudence*, Pension & Benefits Daily, Bureau of National Affairs, Inc. (Sept. 10, 2010).

# KELLER ROHRBACK<sup>L.L.P.</sup>

LAW OFFICES



## Ian Mensher

**"The value I bring to each client is my ability to listen well and provide efficient and effective recommendations to resolve even the thorniest dispute."**

**1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
(206) 623-1900  
imensher@kellerrohrback.com**

**Ian Mensher understands that different clients have different goals.** Ian practices in Keller Rohrback's nationally recognized complex litigation group. He represents both institutional and individual investors in cases involving financial fraud and investment mismanagement. Whether Ian is advising an employee class representative or discussing strategy with an institutional investor, Ian provides frank and honest guidance that is tailored to meet the specific needs of his clients.

### Practice Emphasis

- Class Actions
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Institutional Investors
- Securities

During law school at the University of Washington School of Law Ian participated in the Berman Environmental Law Clinic. After graduating, he clerked for the Honorable Jerome Farris on the Ninth Circuit Court of Appeals. Ian then joined Keller Rohrback's complex litigation group for one year before spending the next three clerking for the Honorable Marsha J. Pechman on the U.S. District Court for the Western District of Washington. Ian's rich experience in the federal court system brings a unique and important perspective to guide the important strategic decisions in litigation.

### Education

**Wesleyan University** – B.A., 2002,  
Romance Literatures (French & Italian),  
Phi Beta Kappa

**University of Washington** – J.D., 2007,  
Executive Comment Editor, *Pacific Rim  
Law and Policy Journal*

### Bar & Court Admissions

2007, Washington

2008, U.S. District Court for the  
Western District of Washington

2008, U.S. Court of Appeals for the  
Ninth Circuit

2013, U.S. District Court for the Eastern  
District of Washington

### Professional & Civic Involvement

Washington State Bar Association,  
*Member*

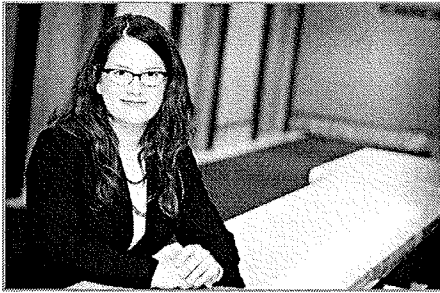
King County Bar Association, *Member*

Federal Bar Association, *Member*



# KELLER·ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
(206) 623-1900  
gobrist@kellerrohrback.com

### Practice Emphasis

- Appeals
- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Whistleblower

### Education

**University of Nebraska - Lincoln** - B.S.,  
with distinction, 1999, Women's Studies,  
UNL Honors Program

**University of Nebraska - Lincoln,  
College of Law** - J.D., with high  
distinction, 2005, Order of the Coif,  
Editor-in-Chief, *Nebraska Law Review*,  
2004-2005

### Honors & Awards

Recipient of the 2004 Robert G.  
Simmons Law Practice Award (first  
place).

Theodore C. Sorensen Fellow, 2004-  
2005

National Association of Women  
Lawyers Outstanding Law Student  
Award, 2005

Selected to Rising Stars list in *Super  
Lawyers* - Washington, 2010

## Gretchen Obrist

**"I am skilled at translating my clients' stories of injustice  
into persuasive legal claims to present to the courts."**

**Gretchen Obrist is ready to answer your questions.** A member of Keller Rohrbach's nationally recognized Complex Litigation group, Gretchen works closely with clients to help them understand the processes of litigation and negotiation. Her hands-on approach to legal strategy helps her identify and achieve her clients' unique goals and right the wrongs they have experienced.

Gretchen has nearly a decade of experience litigating complex federal cases from start to finish, including extensive motions practice and discovery. Her practice focuses on Employee Retirement Income Security Act ("ERISA") fiduciary breach and excessive fee cases, as well as consumer protection and financial fraud claims. She also has experience litigating civil rights issues. Gretchen has played a key role in cases arising out of the collapse of the mortgage securities industry and the residential mortgage modification and foreclosure crisis, including actions against Bear Stearns and JPMorgan Chase. Her ERISA experience includes a successful appeal to the Eighth Circuit in *Braden v. Wal-Mart Stores, Inc.* reversing dismissal of the lead plaintiff's case. She also made significant contributions to cases against Procter & Gamble and Merrill Lynch and to the *Washington Mutual* and *JPMorgan ERISA Pension Plan* (cash balance conversion) litigations.

Prior to joining Keller Rohrbach, Gretchen served as a law clerk to the Honorable John C. Coughenour, U.S. District Judge for the Western District of Washington. Before obtaining her law degree, she worked at a public defender's office, the Nebraska Domestic Violence Sexual Assault Coalition, and the Nebraska Appleseed Center for Law in the Public Interest.

### Professional & Civic Involvement

The William L. Dwyer American Inn of Court, *Member*

American Constitution Society, Puget Sound Lawyer Chapter, *Member*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*, Litigation / Labor and Employment Sections

# KELLER·ROHRBACK<sup>L.L.P.</sup>

## L A W O F F I C E S

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### Bar & Court Admissions

2005, Washington

2007, U.S. District Court for the Western District of Washington

2008, U.S. District Court for the Eastern District of Michigan

2008, U.S. Court of Appeals for the Eighth Circuit

2010, U.S. Court of Appeals for the Ninth Circuit

2011, U.S. District Court for the Eastern District of Washington

2011, U.S. Court of Appeals for the Second Circuit

2011, U.S. Court of Appeals for the Sixth Circuit

### Publications & Presentations

Gretchen S. Obrist, Note, *The Nebraska Supreme Court Lets Its Probation Department Off the Hook in Bartunek v. State: "No Duty" as a Non-Response to Violence Against Women and Identifiable Victims*, 83 Neb. L. Rev. 225 (2004).

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Savannah, GA, 2011 (Update on ERISA Fee Litigation and the Impact of the Regulations).

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Charleston, SC, 2013 (ERISA 408(b)(2) and 404(a) Disclosures and the Ongoing Fee Litigation).

Gretchen S. Obrist, "ERISA Fee Litigation: The Impact of New Disclosure Rules, and What's Next in Pending Cases," *Pension & Benefits Daily*, Bloomberg BNA (Feb. 21, 2013).

Gretchen S. Obrist, "ERISA Fee Litigation: Overview of Developments in 2012 and What to Expect in 2013," *Benefits Practitioners' Strategy Guide*, Bloomberg BNA (Mar. 26, 2013).

Speaker, ABA Joint Committee on Employee Benefits - 23rd Annual National Institute on ERISA Litigation, Chicago, IL, 2013 (Fiduciary Litigation Part 1: Disclosure & Investment; Fiduciary Litigation Part 2: Cutting Edge Issues).

Contributing Editor and Writer, *Foreclosure Manual for Judges: A Reference Guide to Foreclosure Law in Washington State*, A Resource by Washington Appleseed (2013).

Gretchen S. Obrist, "'Class of Plans' Actions Could Be Next Wave of ERISA Litigation, Gretchen Obrist Says," *ERISA Litigation Tracker: Litigator Q&A*, Bloomberg BNA (June 19, 2013).

# KELLER·ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



### David Preminger

**“The interdisciplinary nature of ERISA litigation requires that I work well with actuaries, accountants, investment experts, co-counsel and defense attorneys, all the while placing my clients’ interests first.”**

**770 Broadway, Second Floor  
New York, NY 10003  
(646) 495-6198  
dpreminger@kellerrohrback.com**

#### Practice Emphasis

- Class Actions
- Employee Benefits and Retirement Security
- Fiduciary Breach

#### Education

**Rutgers University** - B.A., 1969,  
Mathematics

**New York University School of Law** -  
J.D., 1972, *New York University Journal of  
International Law and Politics*, 1970-1971

#### Professional & Civic Involvement

The Association of the Bar of the City  
of New York, *Member*; Committee on  
Employee Benefits, 1993-1996, 1996-  
1999, 2002-2005; Committee on Legal  
Problems of the Aging, 1985-1988

New York State Bar Association,  
*Member*

American Bar Association, *former  
Co-Chair*, Fiduciary Responsibility  
Subcommittee; Committee on  
Employee Benefits, Labor and  
Employment Section; *former Co-Chair*,  
Subcommittee on ERISA Preemption  
and the Subcommittee on ERISA  
Reporting and Disclosure

American College of Employee Benefits  
Counsel, *Member and Charter Fellow*

#### David Preminger is a practiced advocate for employees, retirees, and

**beneficiaries.** The resident partner in the firm’s Complex Litigation Group New York office, David focuses on Employee Retirement Income Security Act (“ERISA”) fiduciary breach class action cases as well as individual benefit claims. He has been litigating ERISA cases for nearly 40 years, since the Act’s passage in 1974. David has been the lead counsel or co-counsel on numerous ERISA cases alleging misconduct in connection with the investment of retirement plan assets, including *Hartman et al. v. Ivy Asset Management et al.*, a case involving fiduciary breach related to Madoff investments that resulted in a \$219 million settlement with consolidated cases. He has been involved in ERISA cases against Bear Stearns, Merrill Lynch, Colonial BancGroup and Marsh & McLennan resulting in multi-million dollar settlements on behalf of class members.

David’s familiarity with the changes to and nuances of ERISA law allows him to expertly and efficiently interpret the statute and regulations and analyze issues on behalf of his clients. He has handled over 100 trials and in addition to his ERISA experience has extensive experience litigating and negotiating antitrust, real estate, civil rights, family law, and general commercial and corporate matters.

Prior to joining Keller Rohrback, David was a partner at Rosen Preminger & Bloom LLP where his successes included the *In re Masters Mates & Pilots Pension Plan* and *IRAP* Litigation. He was previously a Supervisory Trial Attorney for the Equal Employment Opportunity Commission, a Senior Attorney with Legal Services for the Elderly Poor, and a Reginald Heber Smith Fellow with Brooklyn Legal Services. He is a charter fellow of the American College of Employee Benefits Counsel and a senior editor of *Employee Benefits Law* (Bloomberg BNA).

Seattle | Phoenix | New York | Santa Barbara

1-800-776-6044 | info@kellerrohrback.com | www.krcomplexlit.com

# KELLER·ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES

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### Bar & Court Admissions

1973, New York

1973, U.S. District Court for the Eastern District of New York

1974, U.S. District Court for the Southern District of New York

1974, U.S. Court of Appeals for the Second Circuit

1976, United States Supreme Court

1991, U.S. District Court for the Western District of New York

1993, U.S. Court of Appeals for the Ninth Circuit

1995, U.S. District Court for the Northern District of New York

2001, U.S. Court of Appeals for the District of Columbia Circuit

2006, U.S. Court of Appeals for the Seventh Circuit

2010, U.S. Court of Appeals for the Fourth Circuit

### Publications & Presentations

Mr. Preminger regularly speaks at conferences on ERISA and employee benefits litigation and lectures at New York University School of Law, Saint John's University School of Law, and Rutgers University, and has testified before Congress on proposed amendments to ERISA and participated in New York State Attorney General's hearings on protection of pension benefits.

Senior Editor, *Employee Benefits Law* (BNA), Chapter 10, *Fiduciary Responsibility* (Chapter or Senior Editor, 1998 – present).

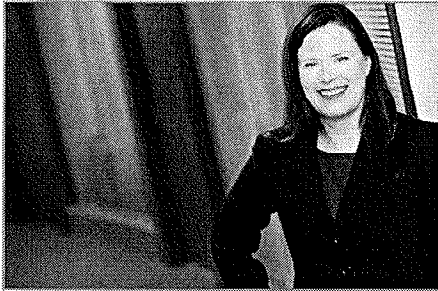
Preminger & Clancy, *Aspects of Federal Jurisdiction Under Sections 301(c)(5) and 302(e) of The Taft-Hartley Act – The "Sole and Exclusive Benefit Requirement,"* 4 Tex. S. U. L. Rev. 1 (1976).

David S. Preminger, E. Judson Jennings & John Alexander, *What Do You Get With the Gold Watch? An Analysis of the Employee Retirement Income Security Act of 1974*, 17 Ariz. L. Rev. 426 (1975).



# KELLER•ROHRBACK<sup>L.L.P.</sup>

L A W O F F I C E S



## Erin Riley

**“A good case begins by listening closely to clients to carefully assess their legal needs.”**

**1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052**  
(206) 623-1900  
eriley@kellerrohrback.com

### Practice Emphasis

- Appeals
- Class Actions
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services

### Education

**Gonzaga University** - B.A., *cum laude*,  
1992, French & History

**University of Wisconsin Law School**  
- J.D., *cum laude*, 2000, *Wisconsin Law Review*

### Bar & Court Admissions

2000, Wisconsin

2000, Washington

2001, U.S. District Court for the  
Western District of Washington

2010, U.S. Court of Appeals for the  
Fourth Circuit

2011, U.S. Court of Appeals for the  
Second Circuit

2011, U.S. Court of Appeals for the  
Ninth Circuit

**Erin Riley knows that strong relationships are key in complex cases.** Erin joined Keller Rohrback's complex litigation group in 2000. For over twelve years, her practice has focused on representing employees and retirees in ERISA actions involving defined contribution, defined benefit, and health benefit plans. She has successfully litigated a number of ERISA breach of fiduciary duty cases including cases filed against Washington Mutual, Merrill Lynch and WorldCom. She has worked on ERISA-related articles and amicus briefs, and has spoken at ERISA-related conferences. Erin is the Plaintiffs' Co-Chair of the Civil Procedure Subcommittee for the ABA Employee Benefits Committee. She earned her J.D. from the University of Wisconsin, where she served as an editor of the *Wisconsin Law Review*. She received her undergraduate degree from Gonzaga University.

### Professional & Civic Involvement

Wisconsin State Bar Association, *Member*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

Civil Procedure Sub-Committee for the ABA Employee Benefits Committee,  
*Plaintiffs' Co-Chair*

### Publications & Presentations

Derek W. Loeser & Erin M. Riley, *The Case Against the Presumption of Prudence*, Pensions & Benefits Daily, Bureau of National Affairs, Inc. (Sept. 10, 2010).

Derek W. Loeser, Erin M. Riley & Benjamin B. Gould, *2010 ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, Pensions & Benefits Daily, Bureau of National Affairs, Inc. (Jan. 28, 2011).

Sarah H. Kimberly & Erin M. Riley, *Court Declines to Limit Damages in Neil v. Zell*, Emp. Benefits Comm. Newsl. (Spring 2011).

Erin M. Riley, *Erin M. Riley Explores the Pro-Plaintiff Aspects of the Citigroup Ruling*, ERISA Litigation Tracker: Litigator Q&A, Bloomberg BNA (Dec. 1, 2011).

### Honors & Awards

Selected to Rising Stars list in *Super Lawyers* - Washington, 2009

# KELLER·ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



### Karin Swope

**Karin Swope is focused on client success.** As a member of the firm's nationally recognized Complex Litigation Group, Karin practices intellectual property litigation and counseling, consumer protection and ERISA law, and business litigation, with a particular emphasis in federal court litigation. Karin has been in practice for 20 years, representing a variety of clients in matters involving trademark and copyright litigation as well as misappropriation of trade secrets, unfair business practices, employment, and business litigation.

1201 Third Avenue, Suite 3200  
Seattle, WA 98101-3052  
(206) 623-1900  
kswope@kellerrohrback.com

### Practice Emphasis

- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Employment Law
- Fiduciary Breach
- Intellectual Property
- Securities

### Education

**Amherst College** – B.A., *magna cum laude*, 1987; Phi Beta Kappa.

**Columbia Law School** – J.D., 1993, Harlan Fiske Stone Scholar; Executive Articles Editor, *Columbia Human Rights Law Review*; Paul Bernstein Scholarship Recipient.

### Honors & Awards

Selected to Rising Stars list in *Super Lawyers* - Washington, 2006

Following her graduation from Columbia Law School, Karin served as a law clerk to the Honorable John C. Coughenour in the U.S. District Court for the Western District of Washington, and as a law clerk to the Honorable Robert E. Cowen of the U.S. Court of Appeals, Third Circuit. She has been an Adjunct Professor of Intellectual Property Law at Seattle University School of Law since 2008.

### Bar & Court Admissions

1994, Washington

1997, U.S. District Court for the Western District of Washington

1997, U.S. Court of Appeals for the Ninth Circuit

2006, U.S. District Court for the Northern District of California

2006, U.S. District Court for the Central District of California

2007, U.S. Court of Appeals for the Second Circuit

2009, Western District of Tennessee

2010, U.S. Court of Appeals for the Eleventh Circuit

2010, U.S. Supreme Court

### Professional & Civic Involvement

*Adjunct Professor*, Seattle University School of Law, Intellectual Property Law

National Employment Lawyers Association, *ERISA Amicus Committee Member* and *Amicus Brief Writer*

ABA Tort, Trial and Insurance Law Journal, *Associate Editor*

Washington State Bar Association, *Member*

American Bar Association, *Member*, Tort Trial & Insurance Practice and Intellectual Property sections

King County Bar Association, *Member*, Intellectual Property section

# KELLER ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES

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### Publications & Presentations

Speaker, Federal Court Practice Bootcamp, 2011 - 2014.

Speaker, National Employment Lawyers Association Annual Convention, Atlanta, GA, *ERISA Hot Topics*, 2008.

Co-Chair and Speaker, WSBA CLE, *IP For the Rest of Us*, 2007-2009.

Speaker, WSBA CLE, 11th Annual Intellectual Property Institute, *The Year in Trade-mark Law*, 2006.

Speaker, King County Bar Association CLE, *Electronic Discovery*, 2006.

Speaker, WSBA CLE, *Hot Trends in Intellectual Property Damages*, 2005.

Karin B. Swope, 5K2.0 Departures: *A Backdoor out of the Federal Sentencing Guidelines*, 24 Colum. Hum. Rts. L. Rev. 135 (1993).

# KELLER·ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



### Havila Unrein

**"I honor my clients' courage by trying to bring about results that balance the scales of power."**

**Havila Unrein gives her clients a voice in the legal system.** Havila practices in Keller Rohrbach's nationally recognized Complex Litigation Group, where she is dedicated to helping clients who have been harmed by others engaged in fraud, cutting corners, and abuses of power.

**1129 State Street, Suite 8  
Santa Barbara, CA 93101**  
(805) 456-1496  
hunrein@kellerrohrback.com

### Practice Emphasis

- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Environmental Contamination
- Fiduciary Breach
- Financial Products and Services
- Mass Personal Injury
- Securities
- Whistleblower

Havila made significant contributions to *Hartman et al. v. Ivy Asset Management et al.*, a case involving fiduciary breach related to Madoff investments that resulted in a \$219 million settlement with consolidated cases. She currently represents plaintiffs in multiple cases alleging violations of the Employee Retirement Income Security Act of 1974 ("ERISA") by healthcare institutions attempting to claim exempt "church plan" status under ERISA.

During law school, Havila provided tax and business advice to low-income entrepreneurs and high-tech start-ups as a student in the Entrepreneurial Law Clinic. She also served as an extern to the Honorable Stephanie Joannides of the Anchorage Superior Court. Prior to law school, Havila worked and studied abroad in Russia, Azerbaijan, and the Czech Republic.

### Education

**Dartmouth College** - B.A., *magna cum laude*, 2003, Russian Area Studies

**University of Washington School of Law** - J.D./LL.M. (Tax), *with honors*, 2008

### Bar & Court Admissions

1999, Washington

2000, U.S. District Court for the Western District of Washington

2008, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Ninth Circuit

2009, U.S. Supreme Court

### Professional & Civic Involvement

California State Bar Association, *Member*

Santa Barbara County Bar Association, *Member*

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Montana State Bar Association, *Member*



# KELLER ROHRBACK<sup>L.L.P.</sup>

## LAW OFFICES



### Amy Williams-Derry

**"I position my cases for success by taking steps to move them forward every day."**

**Amy Williams-Derry sees the big picture.** As a member of the firm's nationally recognized Complex Litigation Group, Amy has a national practice litigating complex securities, ERISA, and consumer protection cases, with a focus on mortgage-backed securities and prudent investment management. She is skilled at strategizing in the context of large cases with multiple parties and issues and thinking creatively to find resolution.

Amy has experience litigating in state and federal courts at both the trial and appellate levels and has represented clients in mediation and arbitration settings, including before the National Labor Relations Board, National Association of Securities Dealers, and the New York Stock Exchange. She has also represented clients in proceedings involving the U.S. Department of Justice. Her current representative cases include *Federal Home Loan Bank of Boston v. Ally Financial, Inc., et al.* (D. Mass.), and *Federal Home Loan Bank of Chicago v. Banc of America Funding Corporation, et al.* (Cook Cty., Ill.), involving litigation by the Federal Home Loan Banks against dozens of issuers, underwriters, and sponsors of private label mortgage-backed securities worth \$13 billion.

Prior to joining Keller Rohrbach, Amy practiced commercial litigation and was a fellow with Earthjustice, where she was involved in natural resources litigation..

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Seattle, WA 98101-3052  
(206) 623-1900  
awilliams-derry@kellerrohrback.com

### Practice Emphasis

- Class Actions
- Consumer Protection
- Environmental Contamination
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Institutional Investors
- Securities
- Whistleblower

### Education

**Brown University** - B.A., with honors,  
1993, Sociology

**University of Virginia School of Law**  
- J.D., 1998; Editor-in-Chief, *Virginia Environmental Law Journal*, 1997-1998

### Bar & Court Admissions

1998, Washington

1998, U.S. District Court for the Western District of Washington

1998, U.S. District Court for the Eastern District of Washington

1999, U.S. Court of Appeals for the Ninth Circuit

2007, U.S. District Court for the Eastern District of Michigan

2007, U.S. Court of Appeals for the Second Circuit

### Professional & Civic Involvement

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

Lake City Legal Clinic, *Volunteer Attorney*, 1999-2001

Independent Employment Services, *Board of Directors*, 2000-2001

WithinReach, *Board of Directors*, 2006-2009

The Evergreen School, *Annual Giving Co-Chair*, 2012-2013

Washington Women Lawyers, *Member*

King County Washington Women Lawyers, *Member*

### Publications & Presentations

Amy Williams-Derry, *No Surprises After Winstar: Contractual Certainty and Habitat Conservation Planning Under the Endangered Species Act*, 17 Va. Env'tl. L.J. 357 (1998).

Speaker, American Law Institute-American Bar Association ERISA Conference, Employer stock cases and cash balance plans, 2008.

Presenter, Washington State Bar Association, Employment Benefits CLE, *Hot Topics in ERISA Class Action Litigation*, 2010.

### Honors & Awards

Selected to Rising Stars list in *Super Lawyers - Washington*, 2003-2009

# KELLER ROHRBACK<sup>L.L.P.</sup>

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**SCHNEIDER WALLACE COTTRELL KONECKY WOTKYN, LLP**

**FIRM PROFILE**

Schneider Wallace Cottrell Konecky Wotkyns (“SWCKW”) is one of the nation’s premier plaintiffs’ law firms. With offices in California, Texas and Arizona, SWCKW and its attorneys have litigated in nearly every state in the country. In most of these cases, the firm has served as Lead or Co-Lead Counsel.

SWCKW’s clients have enjoyed the firm’s record of success. The firm has for a long time and successfully represented clients against the largest corporations in the country. The firm has won verdicts and procured settlements collectively worth more than a billion dollars.

SWCKW has a thriving class action practice representing workers, consumers and investors. At the same time, the firm represents institutional clients such as private investment funds, community and regional banks, Fortune 100 insurance companies, cities, public financing districts, hospitals, and educational institutions as plaintiffs.

In carrying out its mission to help its clients combat large-scale injustice, unfairness, and other wrongful conduct, SWCKW provides a level of sophistication and service traditionally available only to large corporate defendants. The firm has particular expertise in cases involving financial services fraud, antitrust violations, and other complex litigation, among other practice areas. SWCKW and its attorneys have litigated hundreds of such cases, including the following:

- *In re Cox Enterprises Inc., Set-Top Cable Television Box Antitrust Litigation*, (pending): Obtained class certification and appointed class counsel in this consolidated antitrust putative class action alleging that one of the nation’s largest cable providers impermissibly tied sales of set-top boxes to sales of premium cable services.
- *Willits v City of Los Angeles*: A disability access class action alleging that the City of Los Angeles violated the Americans with Disabilities Act and related laws by failing to maintain accessible sidewalks, curb ramps and crosswalks in its pedestrian right-of way. After obtaining class certification and successfully moving for partial summary judgment, the case was settled on terms that require the City to spend more than \$1.4 billion dollars to repair broken sidewalks, install compliant curb ramps and remove other barriers to access in the pedestrian right of way. Approval of the settlement, the largest ever disability access settlement, is pending.
- *Rosa v. Morrison Homes*: Statewide construction-defect case, alleging that Morrison Homes failed to build homes in compliance with applicable laws, resulting in a \$6 million settlement.

- *Lopez v. SFUSD*: Disability access class action, resulting in a judgment that required defendant to implement remedies valued at more than \$300 million.
- *Satchell v. FedEx Express, Inc.*: Class action on behalf of approximately 20,000 current and former employees of FedEx, resulting in a \$54.9 million settlement.
- *Holliman v. Kaiser Foundation Health Plan*: Claims on behalf of Kaiser employees, resulting in a \$9 million settlement.
- *National Federation of the Blind v. Target Corporation*: Nationwide lawsuit against Target, resulting in broad injunctive relief and \$6 million in damages, which is the largest damages fund in any lawsuit brought on behalf of blind plaintiffs.
- *Labrador v. Seattle Mortgage Co*: Statewide consumer fraud case alleging that the defendant systematically violated the federal reverse mortgage program consumer protection regulations by charging improper loan-related fees, resulting in a \$4 million settlement.
- *Singleton v. Regents of the University of California*: A gender discrimination class action alleging that Lawrence Livermore National Laboratory paid its female employees less than their male counterparts and promoted them less often. This case settled for \$10.6 million after protracted litigation.
- *Eagan v. AXA Equitable Life Insurance Co.* A nationwide class action under ERISA on behalf of a class of retired insurance agents and other employees seeking the restoration of retiree health care benefits. The case settled on a class wide basis for significant monetary relief and a limitation on the company's ability to amend the health care benefit plan for retirees.
- *Glass Dimensions, Inc. v. State Street Bank & Trust Co.*: An ERISA class action brought on behalf of a nationwide class of 1,790 retirement plans alleging that State Street violated its fiduciary duties by setting and receiving excessive compensation in connection with its securities lending program.
- *Bilewicz v. FMR LLC, et al.* and *Yeaw v. FMR LLC*: an ERISA class action on behalf of a nationwide class of participants in the defendants' profit sharing plan, alleging that defendants' breached their fiduciary duties and engaged in ERISA prohibited transactions in making decisions with respect to selecting, removing, replacing and monitoring the Plan's investments, resulting in a \$12 million dollar settlement.



**SCHNEIDER WALLACE COTTRELL KONECKY WOTKYNs LLP**  
**ATTORNEY PROFILES**

SWCKW's attorneys are passionately devoted to seeking justice for their clients. The firm's attorneys are nationally recognized experts—winning groundbreaking cases, obtaining record judgments, and, in the process, garnering praise from their peers, courts and clients. Below is a brief profile of each of the firm's attorneys who devoted a significant amount of time to this case.

**Todd M. Schneider** – Mr. Schneider founded the firm in 1993. Having received his J.D. degree in 1990, Mr. Schneider has spent his entire career representing plaintiffs in complex litigation. He has litigated cases successfully around the country, in both trial and appellate courts. He recently argued a case in the United States Supreme Court, and he has tried numerous consumer class actions to verdict.

Mr. Schneider is a national leader in the plaintiff's bar. Named by his peers as a Trial Lawyer of the Year in California and a two-time finalist for Consumer Attorney of the Year, he is past President and serves on the Board of Directors of the San Francisco Trial Lawyers Association, and has served on the Board of Governors and was the Vice President of the Consumer Attorneys of California.

Mr. Schneider is a frequent lecturer and regularly appears as a panelist at continuing legal education seminars. For each year that the list has been published, Mr. Schneider was been named a Super Lawyer in the area of "class actions and mass torts" by Northern California *Super Lawyers* magazine.

**Garrett W. Wotkyns** – Mr. Wotkyns graduated *magna cum laude* from Rice University, and he received his law degree from the University of Chicago Law School, where he served on *The University of Chicago Law Review*. Following law school, Mr. Wotkyns was a law clerk to The Honorable John M. Duhe Jr., of the United States Court of Appeals for the Fifth Circuit.

Before joining SWCKW to litigate exclusively for plaintiffs and lead the firm's financial services practice, Mr. Wotkyns spent five years practicing law at O'Melveny & Myers LLP, where he garnered significant experience representing large corporations in complex litigation.

Mr. Wotkyns is a frequent lecturer, writer and continuing legal education instructor on financial services litigation and arbitration issues. Recently, he has spoken at three different CLE events concerning FINRA arbitration issues and published an article about the so-called "sophisticated investor defense" often employed by defendants in FINRA arbitrations in *Arizona Banker* magazine. He is also a faculty member of the Practising Law Institute's Consumer Financial Services Institute. In 2008, the Arizona Volunteer Lawyers Program gave him its "For Love of Justice" award in recognition of his volunteer work assisting Arizona homeowners fighting foreclosure. He is currently Chairman of the

Business Torts Section of the American Association for Justice and a member of the Executive Committee of The National Trial Lawyers' Business Tort Trial Lawyers Association.

**Jason H. Kim** – Mr. Kim graduated *magna cum laude* from Harvard Law School and Phi Beta Kappa from Harvard College. Prior to joining SWCKW, he was an associate and counsel at O'Melveny & Myers LLP in Los Angeles and Alston Hunt Floyd & Ing in Honolulu, Hawai'i. He also served as a Deputy Prosecuting Attorney for the City and County of Honolulu.

Mr. Kim represents plaintiffs in complex civil litigation, including class actions and actions against financial institutions. He has substantial trial experience in securities fraud, health care, and civil rights matters and has argued several appeals before the Ninth Circuit. He has served as class counsel in several class actions against the State of Hawai'i to vindicate the rights of disabled individuals, public benefit recipients, and public housing tenants that led to substantial settlements. He is also the co-author of the Hawai'i section of the American Bar Association's Practitioner's Guide to Class Actions.

**Mark T. Johnson** – Mr. Johnson received his J.D. from the University of California, Los Angeles School of Law (1977) and his B.A. in political science from the University of California, Berkeley (1974). For the past sixteen years he has practiced exclusively in the area of class action litigation, representing plaintiffs in state and national class actions in the areas of consumer protection, employment and disability discrimination and ERISA. Mr. Johnson represented a nationwide class of retirees alleging the wrongful reduction of their health care benefits under ERISA in *Egan v. AXA Equitable Life Insurance Co.* He also represented a nationwide class of retirement plans in *Glass Dimensions, Inc. v. State Street Bank & Trust Co.*, involving allegations that State Street violated its fiduciary duties by setting and receiving excessive compensation in connection with its securities lending program. In *Labrador v. Seattle Mortgage Co.*, Mr. Johnson represented a class of elderly homeowners on claims that the mortgage company had systematically violated the federal reverse mortgage program consumer protection regulations by charging improper loan-related fees. Mr. Johnson has also played a key role in cases against the City of San Francisco and the City of Los Angeles alleging class wide discrimination under the Americans with Disabilities Act for failure to make its pedestrian right of way accessible. In *Singleton v. Regents of the University of California*, Mr. Johnson represented a class of women scientists and technicians alleging gender discrimination in salaries and promotions at the Laurence Livermore National Laboratory.

Mr. Johnson is a member of the American Association for Justice, Consumer Attorneys of California, San Francisco Trial Lawyers Association and Public Justice.

**Michael McKay** – Mr. McKay represents plaintiffs in complex commercial disputes. His experience includes litigating securities claims, fraud claims, antitrust allegations, racketeering claims and business torts. Mr. McKay is an experienced class action and trial lawyer, representing municipalities and other institutional investors with claims relating to investment losses including claims pertaining to CDOs, ABS, MBS, and other investments

that have led to catastrophic losses. Mr. McKay is an experienced class action lawyer. He, along with other lawyers, represented a nationwide class in *In re Conseco Life Ins. Co. Cost of Ins. Litig.*, MDL No. 1610 AHM (C.D. Cal.), which settled for over \$400 million. He represented a nationwide class in *In re Ins. Brokerage Antitrust Litig.*, MDL No. 1663 GEB (D. New Jersey), which settled for over \$121 million. He represented an Arizona class of consumers in *Prestige Financial Services, Inc. v. Mitchells*, CV2010-090395 (Arizona Superior Court, Maricopa County) which settled for over \$18 million. He represented a California class of consumers in *Thierot v. Celtic Ins. Co.* which settled for approximately \$1 million. He is part of the counsel group representing a putative nationwide class of consumers in *In re: MDL 2048 Cox Enterprises Inc. Set-Top Cable Television Box Antitrust Litigation*.

Prior to joining Schneider Wallace, Mr. McKay served as a law clerk for The Honorable Gordon J. Low, Utah First District Court, and as a law clerk for the United States Attorney's Office, N.D.N.Y. He graduated with honors from Syracuse University College of Law.

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### THE SUSMAN GODFREY DIFFERENCE

For more than thirty years, Susman Godfrey has focused its nationally recognized practice on just one thing: big - stakes commercial litigation. We are one of the nation's leading litigation boutique law firms with locations in Houston, Dallas, Los Angeles, Seattle, and New York. Each of the firm's 102 trial attorneys specialize in complex commercial litigation.

How successfully does Susman Godfrey represent its clients?

When *The American Lawyer* held the first-ever "Litigation Boutique of the Year" competition, the firm was named one of the two top litigation boutiques in the nation.

"These firms manage to combine cutting-edge technologies, palpable tastes for risk, and an old-fashioned sense of partnership," said *The American Lawyer*. "The rewards are obvious: Their clients are stellar, and so are their profits."

In other words, Susman Godfrey represents its clients *very* well.

#### A record of winning

Susman Godfrey's very first case, the *Corrugated Container* antitrust trial, led to one of the highest antitrust jury verdicts ever obtained. Since that extraordinary start, the firm has remained devoted to helping businesses and individuals achieve similarly extraordinary results. Recent high-profile victories (click on the links below to see the particular facts and circumstances of these representations):

- Representation of the plaintiffs in a number of successful private antitrust actions against Microsoft Corporation, including litigation or private negotiations on behalf of Gateway, Novell, Caldera, Be, Inc., Paltalk Holdings, and others.
- Representation of MicroUnity Systems in a variety of patent infringement litigation, which has led to confidential settlements with a variety of defendants, including Intel and Sony.
- Defeated claims for \$550 million in damages brought by Alcoa against our client, Luminant and convinced the jury to award Luminant \$10 million in counterclaim damages.
- Secured a \$225 million jury award for Dillard's, Inc. against I2 Technologies for fraud and breach of warranty.



- Obtained a jury award of more than \$178 million in a breach of fiduciary duty case brought on behalf of minority shareholders of an NL Industries, Inc. subsidiary.
- Representation of Sky Technologies in patent infringement cases against i2 Technologies, IBM, Ariba, Oracle, and SAP that each have led to confidential settlements.
- Representation of the bankruptcy estate of Enron Corp. against ten banks and investment banks for aiding and abetting breach of fiduciary duty and fraud. Settlements to date have brought more than one billion dollars in value to the Enron estate.
- Successfully concluded the pro bono representation of Texas Clean Air Cities Coalition which included Dallas, Houston, Fort Worth, Waco, El Paso, Plano, Arlington, Irving, and 28 other local governments across Texas. The cities were concerned about the environmental threats resulting from the large amounts of nitrogen oxides, sulfur dioxide, particulate matter, mercury, and carbon dioxide to be emitted from the proposed plants. The coalition of Texas cities challenged permit applications by TXU Corporation to build eight coal-fired power units across Texas. Following the announcement of the proposed buyout of TXU by two private equity firms and citing a new environmental direction for the company, TXU announced that it would withdraw applications for all eight of the coal units that the coalition opposed.

These are only a few of our recent cases. Our practice area inserts provide a more complete description of Susman Godfrey's successes in a number of areas of commercial litigation, including intellectual property, antitrust, accounting malpractice, energy and natural resources, securities litigation, and climate change litigation.

### **The will to win**

At Susman Godfrey, we want to win because we are stand-up trial attorneys, not discovery litigators. We approach each case as if it is headed for trial. Everything that we do is designed to prepare our attorneys to persuade a jury. When you are represented by Susman Godfrey, the opposing party will know that you are willing to take the case all the way to a verdict if necessary; this fact alone can make a good settlement possible.

*The American Lawyer* award confirmed Susman Godfrey's longstanding reputation as one of the premier firms of trial lawyers in the United States. We are often brought in on the eve of trial to "rescue" troubled cases or to take the reins when the case requires trial lawyers with a proven record of courtroom success.

We also want to win because we share the risk with our clients. We prefer to work on a contingency-fee basis so that our time and efforts pay off only when we win. Our interests are aligned with our clients—we want to achieve the best-possible outcome at the lowest possible cost.

Finally, we want to win because each of our attorneys shares a commitment to your success. Each attorney at the firm – associate as well as partner – examines every proposed contingent fee case and has an equal vote on whether or not to accept it. The resulting profit or loss affects the compensation of every attorney at the firm. This model has been a tremendous success for both our attorneys and our clients. In recent years, we have achieved the highest profit-per-partner results in the nation. Our associates have enjoyed performance bonuses equal to their annual salaries. When you win, our attorneys win.

### **Unique perspective**

Susman Godfrey represents an equal number of plaintiffs and defendants. Ours is not a cookie-cutter practice turning out the same case from the same side of the bar time after time. We thrive on variety, flexibility, and creativity. Clients appreciate the insights that our broad experience brings. "I think that's how they keep their tools sharp," says one.

Many companies who have had to defend cases brought by Susman Godfrey on behalf of plaintiffs are so impressed with our work in the courtroom that they hire us themselves next time around – companies like El Paso Corporation, Georgia-Pacific Corporation, Mead Paper, and Nokia Corporation.

We know from experience what motivates both plaintiffs and defendants. This dual perspective informs not just our trial tactics, but also our approach to settlement negotiations and mediation presentations. We are successful in court because we understand our opponent's case as well as our own.

### **A lean and mean structure**

At Susman Godfrey, our clients hire us to achieve the best possible result in the courtroom at the least possible cost. Because we learned to run our practice on a contingency-fee model where preparation of a case is at our expense, we have developed a very efficient approach to commercial litigation. We proved that big cases do not require big hours. And, because we staff and run all cases using the same model, clients who prefer to hire us by the hour also benefit from our approach.

There is no costly pyramid structure at Susman Godfrey. As a business, we are lean, mean and un-leveraged – with a one-to-one ratio between partners and associates. To counter the structural bloat of our opponents, who often have three associates for each partner, we rely on creativity and efficiency.

Susman Godfrey's experience has taught what is important at trial and what can be safely ignored. We limit document discovery and depositions to the essential. For most depositions and other case related events we send one attorney and one attorney alone to handle the matter. After three decades of trials, we know what we need – and what is just a waste of time and money.

### **Unparalleled talent**

Susman Godfrey prides itself on a talent pool as deep as any firm in the country. Clerking for a judge in the federal court system is considered to be the best training for a young trial attorney, and 91% of our lawyers served in these highly sought-after clerkships after law school. Seven of our attorneys have clerked at the highest level – for Justices of the United States Supreme Court.

Our associates are not document-churning drones. Each associate at Susman Godfrey is expected to second-chair cases in the courtroom from the start. Because we are so confident in their abilities, we consider associates for partnership after seven years with the firm, unless they joined us following a federal judicial clerkship. In that case, we give credit for the clerkship, and the partnership track is generally six years. We pay them top salaries and bonuses, make them privy to the firm's financials, and let them vote – on an equal standing with partners – on virtually all firm decisions.

Each trial attorney at Susman Godfrey is invested in our unique model and stands ready to handle your big-stakes commercial litigation.

### **No Matter What the Case**

Our firm is made up of the best and the brightest trial lawyers in the country. Quite simply, we can try any case, no matter what the subject matter. And our record proves it.

Patent law. Our lawyers are not "patent " lawyers . Yet Susman Godfrey is one of the nation's go-to firms for patent litigation. Indeed, as the amount in controversy soared in patent cases in the early 2000s, so has the number of patent cases tried and won by Susman Godfrey. Clients know that they need real trial lawyers to translate the patent talk into language that can be understood by a jury. And juries listen when Susman Godfrey lawyers talk. Our firm has won some of the largest jury verdicts in patent cases in the country.

Family law. Our lawyers are not "family " lawyers . Yet when the richest couples get in the nastiest divorce battles, they call the real trial lawyers for the ultimate show down. When the owner of the Dodgers risked losing his team to his wife in a bitter divorce battle, Frank McCourt called Susman Godfrey. When David Saperstein found himself in divorce proceedings with his wife in over their multi-million dollar estate, including their \$125 million "Fleur de Lys" mansion, he hired Susman Godfrey.

Tax law. Our lawyers are not "tax" lawyers. Yet, when an individual had a \$ 800 million tax dispute and needed a trial lawyer, he hired Terry Oxford of Susman Godfrey. Terry, with the assistance of tax counsel, tried the case for 5 weeks in federal court. The result: a decision that would return the taxpayer more than half the disputed amount.

Criminal law. Our lawyers are not " criminal " lawyers . Yet when evidence suggested a death row inmate was wrongly convicted, those trying to right the wrong called Susman Godfrey. When Barry Scheck and his Innocence Project wanted help reversing the wrongful conviction of George Rodriguez, they teamed up with Susman Godfrey. The conviction was reversed and Mr. Rodriguez freed, and Susman Godfrey continues the battle to obtain fair compensation for the 17 years he spent behind bars .

It does not matter what area of law your case is. If we haven't already been involved in path-breaking litigation there, we will master it. And you will have the best possible trial team on your side.

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